

Exhibit

1



**CitiStaff
Solutions Inc.**

120150 application

PERSONAL INFORMATION			
Last Name DIAZ	First Name Owen	M.D. TD	Social Security # 572-19-3045
Street Address 1043 Tuolumne ST	Apt #		
City VALLEJO	State CA	Zip Code 94590	Phone # 415-272-3648
Person to contact in case of emergency/ Phone Number	Alternate Number		
Positions Interested in? FORKLIFT Operator/Janitor	Can you demonstrate proof of Employment Eligibility? YES		

WORK EXPERIENCE			
General Labor	Shipping/Receiving	Clerical	Languages
<input checked="" type="checkbox"/> Loader/Unloader	<input checked="" type="checkbox"/> UPS	WPM _____	<input type="checkbox"/> Cantonese
<input checked="" type="checkbox"/> Assembly	<input type="checkbox"/> Fed-Ex	Accuracy _____	<input type="checkbox"/> Chinese
<input checked="" type="checkbox"/> Production Line	<input type="checkbox"/> Clerk	<input type="checkbox"/> Receptionist	<input type="checkbox"/> English
<input type="checkbox"/> Machine Operator	<input checked="" type="checkbox"/> Inventory	<input type="checkbox"/> Data Entry/ File Clerk	<input type="checkbox"/> French
Forklifts	<input checked="" type="checkbox"/> Quality Control	<input type="checkbox"/> Accounting	<input type="checkbox"/> German
<input checked="" type="checkbox"/> Sit-down-Standard	Other Skills	<input type="checkbox"/> Excel	<input type="checkbox"/> Spanish
<input checked="" type="checkbox"/> Sit-down- with attachments	<input type="checkbox"/> Restaurant	<input type="checkbox"/> Word	<input type="checkbox"/> Vietnamese
<input checked="" type="checkbox"/> Stand Up-Reach	<input type="checkbox"/> Extrusion Equipment	<input type="checkbox"/> PowerPoint	<input type="checkbox"/> Other _____
<input type="checkbox"/> Stand Up-Cherry Picker	<input type="checkbox"/> Welding	<input type="checkbox"/> 10 Key	
<input checked="" type="checkbox"/> Electric Pallet Jack	<input checked="" type="checkbox"/> Construction	<input type="checkbox"/> Other Programs	
<input type="checkbox"/> Cranes	<input type="checkbox"/> Customer Service		

AVAILABILITY			
Status	Shift	Days	Transportation
<input checked="" type="checkbox"/> Fulltime	<input checked="" type="checkbox"/> 1st Shift	<input checked="" type="checkbox"/> Monday	<input checked="" type="checkbox"/> Car/ Own Transportation
<input type="checkbox"/> Part-time	<input checked="" type="checkbox"/> 2nd Shift	<input type="checkbox"/> Saturday	<input type="checkbox"/> Ride
Overtime	<input checked="" type="checkbox"/> 3rd Shift	<input checked="" type="checkbox"/> Tuesday	<input type="checkbox"/> Bus/Public Transportation
<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> Wednesday	<input type="checkbox"/> Assisted Transportation
<input type="checkbox"/> No		<input type="checkbox"/> Thursday	
		<input checked="" type="checkbox"/> Friday	
			Personnel Equipment
			<input checked="" type="checkbox"/> Work boots
			<input checked="" type="checkbox"/> Steel Toes
			<input type="checkbox"/> Back Belt
			<input type="checkbox"/> Hard Hat

PLEASE CHECK YES OR NO

- Have you ever worked for CitiStaff Before? Yes No Where? _____
- Have you ever been convicted of a felony? Yes No Where & When 1988
- Can you comply with a Drug Test? Yes No _____
- Conditions May require lifting between 30-50 pounds . Is this ok? Yes No Explain _____
- Positions may require to standing up for 6-10 hours. Is this ok? Yes No Explain _____

EMPLOYMENT PREFERENCES ONE				For Recruiter Use Only
Company COVERALL	Position Franchise Owner	Account #	Customer Number One	
City SAN FRANCISCO	State CA	Phone 415-272-3640		
Starting Pay	End Pay	Start Date 3/99	End Date 8/00	Date
Reason for Leaving FUNDING		Contact Name over	Can we contact? Yes	Status
EMPLOYMENT PREFERENCES TWO				Notes:
Company HAMILTON Family Center Residential Counselor	Position CA	Phone 415-409-2100	Customer Number Two	
City SAN FRANCISCO	State CA	Start Date 1/13		
Starting Pay 15.00	End Pay 15.00	Contact Name FRANK	Can we contact? YES	Customer Number Three
PLEASE ANSWER ALL QUESTIONS				
How did you hear about CitiStaff? <input type="checkbox"/> Ad <input type="checkbox"/> Walk-In <input type="checkbox"/> Job Fair <input type="checkbox"/> Relative <input type="checkbox"/> Friend <input type="checkbox"/> Client <u>IN Deed</u>	What is your highest level of education? Name of school 1 YEAR college			
	Do you have any diplomas, certificates, degrees or awards? YES, High School			
In case of an injury, would you like to pre-designate your treating physician? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If no, CitiStaff will automatically pre-designate your treating physician Initials ANTIOCH, CONCORD, PITTSBURG				
You must be at least 18 years old and able to produce proof of citizenship or immigration status to begin employment. I certify that the facts in this employment application are true and complete. I understand that falsified statements are grounds for dismissal.		Recruiter Comments: <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>		
 Signature <u>6/21/15</u> Date				

Exhibit

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, OWEN)
DIAZ, and LAMAR)
PATTERSON,)
Plaintiffs,)
vs.) Case No.: 3:17-CV-066748
) WHO
)
TESLA, INC., dba TESLA)
MOTORS, INC.; CITISTAFF)
SOLUTIONS, INC.; WEST)
VALLEY STAFFING GROUP;)
CHARTWELL STAFFING)
SERVICES, INC.; and DOES)
1-10, inclusive,)
Defendants.)

)

DEPOSITION OF MONICA DE LEON

Thursday, December 6, 2018

TAKEN BEFORE:

HEIDI BELTON, CSR, RPR, CRR, CCRR, CRC
CSR No. 12885

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1 APPEARANCES:

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3 For the Plaintiffs:

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6 San Anselmo, California 94960
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10
11 For the Defendant:

12 CONSTANGY BROOKS SMITH & PROPHETE, LLP
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10:19:59 1 understand what your job duties entailed.

10:20:01 2 **A. Okay.**

10:20:01 3 Q. Now you mentioned payroll. Could you --

10:20:05 4 could you tell me how that process worked in terms

10:20:07 5 of you processing payroll as a staff supervisor at

10:20:10 6 CitiStaff?

10:20:15 7 **A. So for payroll I took in everyone's hours**

10:20:21 8 **from the clients --**

10:20:21 9 Q. And -- sorry. I'm going to interrupt you

10:20:23 10 just because so I have context.

10:20:27 11 When you say "everyone's hours," whose

10:20:30 12 hours?

10:20:31 13 **A. All the workers, all the contractors.**

10:20:33 14 Q. And these are contractors that were hired

10:20:38 15 by CitiStaff?

10:20:39 16 **A. Yes.**

10:20:44 17 Q. So you took CitiStaff contractors' hours

10:20:48 18 and then -- what did you do with those hours?

10:20:51 19 **A. I would input them in the system. If**

10:20:59 20 **anyone was missing hours I would contact them to see**

10:21:02 21 **if they had sick hours or if -- if they were missing**

10:21:07 22 **or if there was any discrepancies. And then I would**

10:21:15 23 **send the hours in to Emilio at corporate.**

10:21:19 24 Q. All right. You would send these hours to

10:21:20 25 who?

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10:26:08 1 three different way of obtaining their checks. They
10:26:12 2 could pick them up from you --

10:26:16 3 **A. (Witness nods.)**

10:26:16 4 Q. -- they could do a direct deposit, or they
10:26:19 5 could actually get them from the facility where they
10:26:22 6 were working?

10:26:23 7 **A. Correct.**

10:26:26 8 Q. And when you would drop the checks off at
10:26:28 9 the facilities, who would you leave the checks with?

10:26:31 10 A. To whoever the main contact was.

10:26:44 11 Q. And did you ever drop off checks at the
10:26:46 12 Tesla facility in Fremont, California?

10:26:52 13 A. In the beginning. And then they -- in the
10:26:57 14 beginning, yes, I did drop them off.

10:27:00 15 Q. Do you remember who the contact was to
10:27:02 16 whom you would hand the checks to?

10:27:03 17 **A. Nancy was the beginning. And then it**
10:27:06 18 **became Vanessa.**

10:27:14 19 Q. And do you have any information or any
10:27:15 20 knowledge of what the -- of whether Nancy was a
10:27:17 21 Tesla employee or not?

10:27:18 22 MR. RUTSCHMAN: Objection; calls for
10:27:18 23 speculation. Calls for a legal conclusion.

10:27:24 24 THE WITNESS: No, I don't.

10:27:25 25 BY MS. AVLONI:

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10:45:49 1 provide him with a start date -- scratch that.

10:45:56 2 At what point can an applicant candidate

10:45:59 3 become an employee; do you know?

10:46:01 4 MR. RUTSCHMAN: Objection; calls for a

10:46:02 5 legal conclusion.

10:46:04 6 THE WITNESS: Become an employee to who?

10:46:06 7 To CitiStaff or to --

10:46:08 8 BY MS. AVLONI:

10:46:08 9 Q. Let's say CitiStaff. Do you know if -- at

10:46:10 10 what point an applicant becomes an employee of

10:46:13 11 CitiStaff?

10:46:13 12 MR. RUTSCHMAN: Objection; calls for a

10:46:14 13 legal conclusion.

10:46:20 14 THE WITNESS: To start work or --

10:46:25 15 BY MS. AVLONI:

10:46:26 16 Q. Well, let's back up. Let's say --

10:46:28 17 A. **Can you explain that a little?**

10:46:29 18 Q. Yeah, yeah. I -- I'm as new to this area

10:46:33 19 in terms of understanding what CitiStaff does. So

10:46:36 20 some of my questions may not make sense and I'm more

10:46:38 21 than happy to try to clarify or rephrase.

10:46:41 22 A. **No worries. Thank you.**

10:46:43 23 Q. So let's say an applicant walks into the

10:46:45 24 CitiStaff doors and the applicant seems great and

10:46:47 25 you like the applicant and they submit their

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10:46:49 1 application and, you know, they're provided
10:46:53 2 CitiStaff policies on various topics, including
10:46:56 3 harassment. And CitiStaff likes them -- likes the
10:46:59 4 candidate. Does CitiStaff -- can then CitiStaff
10:47:03 5 bring on that candidate and say that, hey, we'll add
10:47:12 6 you to our system as, like, an employee? Or -- is
10:47:16 7 there a process for converting like a potential
10:47:18 8 candidate to like a CitiStaff person?

10:47:22 9 MR. RUTSCHMAN: Objection; compound. It's
10:47:23 10 vague and ambiguous.

10:47:26 11 THE WITNESS: Well, in a case like that,
10:47:28 12 when someone comes in, fills out the application,
10:47:36 13 they're already considered a CitiStaff employee, but
10:47:39 14 they just haven't been dispatched out yet to go on
10:47:47 15 an assignment. So --

10:47:49 16 BY MS. AVLONI:

10:47:49 17 Q. I see. Do the -- do the candidates'
10:47:53 18 applications have to be approved by CitiStaff first
10:47:56 19 before they become CitiStaff employees?

10:47:59 20 MR. RUTSCHMAN: Objection; calls for a
10:48:00 21 legal conclusion.

10:48:03 22 THE WITNESS: Can you ex- -- rephrase that
10:48:05 23 or say that again?

10:48:07 24 MS. AVLONI: Yeah. You know, you just
10:48:09 25 mentioned that when candidates come in and fill out

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11:14:03 1 employer -- like, twice a year or once a year saying
11:14:06 2 hey, this is -- these are your strengths, these are
11:14:09 3 your weaknesses, this is how you're doing, this is
11:14:11 4 where we see you going. I'm not saying the
11:14:14 5 performance review includes all of this. But this
11:14:16 6 is what I mean by performance reviews when I'm
11:14:18 7 talking about performance reviews in general.

11:14:20 8 So do you know if CitiStaff clients such
11:14:24 9 as Tesla issued performance reviews to CitiStaff
11:14:30 10 employees?

11:14:31 11 MR. RUTSCHMAN: Objection; vague and
11:14:31 12 ambiguous. Calls for speculation.

11:14:35 13 THE WITNESS: So what I recall, yes, they
11:14:36 14 would give some every now and then.

11:14:40 15 BY MS. AVLONI:

11:14:40 16 Q. And so you recall specifically Tesla
11:14:42 17 giving CitiStaff employees performance reviews now
11:14:45 18 and then?

11:14:46 19 A. I re- --

11:14:47 20 MR. RUTSCHMAN: Objection; vague and
11:14:47 21 ambiguous. Calls for speculation.

11:14:49 22 THE WITNESS: I recall nextSource.

11:14:55 23 BY MS. AVLONI:

11:14:55 24 Q. You recall nextSource giving CitiStaff
11:14:57 25 employees performance reviews; is that correct?

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11:14:59 1 A. Mm-hmm.
11:15:00 2 MR. RUTSCHMAN: Objection; vague and
11:15:01 3 ambiguous.
11:15:03 4 BY MS. AVLONI:
11:15:03 5 Q. And do you know how often nextSource
11:15:04 6 would give CitiStaff employees performance reviews?
11:15:12 7 MR. RUTSCHMAN: Objection; vague and
11:15:12 8 ambiguous. Calls for speculation.
11:15:15 9 THE WITNESS: No, I don't remember.
11:15:16 10 BY MS. AVLONI:
11:15:25 11 Q. Did you conduct any investigations while
11:15:30 12 working as a staff supervisor at CitiStaff?
11:15:32 13 MR. RUTSCHMAN: Objection; vague and
11:15:32 14 ambiguous.
11:15:38 15 THE WITNESS: Yes.
11:15:40 16 BY MS. AVLONI:
11:15:41 17 Q. How many investigations have you handled
11:15:42 18 as a staff supervisor?
11:15:44 19 MR. RUTSCHMAN: Objection; vague and
11:15:44 20 ambiguous.
11:15:52 21 THE WITNESS: One. One or two.
11:15:54 22 BY MS. AVLONI:
11:15:55 23 Q. Do you recall the nature of those
11:15:59 24 investigations, what they involved?
11:16:06 25 MR. RUTSCHMAN: Objection; vague and

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11:52:42 1 Q. Yes, so if I'm talking about -- I'll
11:52:46 2 refer -- I'll be -- let's refer to them as CitiStaff
11:52:49 3 contractors for now to make it more clear.

11:52:51 4 So these CitiStaff contractors, so when
11:52:54 5 they would receive a raise, that information would
11:52:57 6 come to you from nextSource, and you would notify
11:53:05 7 Emilio and then CitiStaff would implement that raise
11:53:08 8 and it would be reflected in the employee -- in the
11:53:11 9 CitiStaff contractor's paycheck; is that correct?

11:53:14 10 MR. RUTSCHMAN: Objection; compound.

11:53:15 11 Incomplete hypothetical.

11:53:18 12 BY MS. AVLONI:

11:53:18 13 Q. And correct me if I'm wrong; if any part
11:53:21 14 of this is wrong. I just want to understand the
11:53:24 15 process.

11:53:25 16 A. So in the case a CitiStaff contractor
11:53:27 17 would get a raise they would -- nextSource would
11:53:30 18 send it to me. And then I would confirm it with
11:53:33 19 Emilio, let Emilio know, make those changes in the
11:53:38 20 pay rate so it can reflect on their check as of the
11:53:41 21 date that nextSource put in the e-mail.

11:53:45 22 Q. Okay. Did you consider yourself -- aside
11:53:51 23 from any legal jargon -- did you consider CitiStaff
11:53:56 24 contractors to be CitiStaff employees?

11:53:59 25 MR. RUTSCHMAN: Objection; calls for a

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12:04:26 1 BY MS. AVLONI:

12:04:27 2 Q. And sitting here today you know that you
12:04:29 3 didn't have the authority to issue them writeups?

12:04:31 4 A. I know I didn't, yeah.

12:04:35 5 Q. Have you ever had a situation where, let's
12:04:37 6 say, several clients were unhappy with a CitiStaff
12:04:41 7 contractor and there are several complaints, let's,
12:04:43 8 say, serious complaints about a CitiStaff
12:04:45 9 contractor, have you ever had a situation where
12:04:49 10 CitiStaff decided to fire that particular
12:04:52 11 contractor?

12:04:53 12 MR. RUTSCHMAN: Objection; vague,
12:04:54 13 ambiguous. Constitutes an incomplete hypothetical.

12:04:58 14 THE WITNESS: No, I haven't had a
12:04:59 15 situation like that.

12:05:00 16 BY MS. AVLONI:

12:05:02 17 Q. Do you know if CitiStaff has authority to
12:05:04 18 fire its contractors?

12:05:07 19 MR. RUTSCHMAN: Calls for speculation.

12:05:07 20 THE WITNESS: That I do not know.

12:05:08 21 BY MS. AVLONI:

12:05:09 22 Q. Have you ever fired a contractor?

12:05:12 23 A. No.

12:05:13 24 Q. Have you ever participated --

12:05:14 25 MR. RUTSCHMAN: Objection -- sorry --

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11:54:00 1 legal conclusion.

11:54:05 2 THE WITNESS: So can you repeat that

11:54:06 3 question?

11:54:06 4 BY MS. AVLONI:

11:54:07 5 Q. Yeah. Did you consider the people that

11:54:08 6 were CitiStaff contractors to be working for

11:54:11 7 CitiStaff?

11:54:12 8 MR. RUTSCHMAN: Objection; vague,

11:54:14 9 ambiguous, calls for a legal conclusion.

11:54:17 10 THE WITNESS: Well, since CitiStaff paid

11:54:19 11 them and gave them their check, I did consider them

11:54:25 12 working for Citistaff.

11:54:26 13 BY MS. AVLONI:

11:54:33 14 Q. Is there -- how about writeups? Are you

11:54:46 15 aware of any CitiStaff contractors receiving

11:54:52 16 writeups?

11:54:54 17 MR. RUTSCHMAN: Objection; vague and

11:54:54 18 ambiguous.

11:54:56 19 THE WITNESS: I don't recall.

11:54:57 20 BY MS. AVLONI:

11:54:57 21 Q. Have you ever issued any writeups to

11:55:00 22 CitiStaff contractors?

11:55:02 23 MR. RUTSCHMAN: Objection; vague and

11:55:02 24 ambiguous.

11:55:04 25 THE WITNESS: I wasn't -- I didn't have

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11:55:06 1 authority to do that.

11:55:08 2 BY MS. AVLONI:

11:55:09 3 Q. Who had authority to issue raises to

11:55:13 4 CitiStaff contractors?

11:55:14 5 MR. RUTSCHMAN: Objection; calls for

11:55:14 6 speculation.

11:55:18 7 THE WITNESS: On what -- what side? So

11:55:23 8 Can you repeat the question?

11:55:25 9 BY MS. AVLONI:

11:55:25 10 Q. Sure. I'll actually ask it differently.

11:55:28 11 Did CitiStaff have the ability to

11:55:31 12 recommend raises for CitiStaff contractors?

11:55:36 13 MR. RUTSCHMAN: Objection; calls for

11:55:36 14 speculation.

11:55:45 15 THE WITNESS: I wasn't -- I didn't have

11:55:46 16 the authority to give a raise. So -- but if the

11:55:55 17 client sent us any raises or change of pay rates,

11:56:01 18 then I would take actions --

11:56:05 19 BY MS. AVLONI:

11:56:05 20 Q. To make it happen --

11:56:07 21 A. To make it happen with Emilio and --

11:56:10 22 Q. So your understanding is that the client

11:56:14 23 would recommend the raises and that CitiStaff would

11:56:18 24 implement those raises?

11:56:20 25 A. So the client would send us any raises or

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11:56:25 1 reviews and we would process as follows, yes.

11:56:33 2 Q. Okay. Have you ever denied a client's

11:56:36 3 request to raise someone's salary?

11:56:39 4 A. No.

11:56:40 5 Q. So you've always authorized all raises

11:56:43 6 that were coming in from clients?

11:56:45 7 MR. RUTSCHMAN: Objection; it's vague and

11:56:47 8 ambiguous.

11:56:47 9 BY MS. AVLONI:

11:56:48 10 Q. Let me rephrase it. That was vague and

11:56:50 11 ambiguous.

11:56:51 12 So would CitiStaff to your knowledge

11:56:56 13 pretty much always authorize all raise --

11:57:06 14 recommendations for employees -- for CitiStaff

11:57:09 15 contractors coming from clients?

11:57:10 16 MR. RUTSCHMAN: Objection; it's vague and

11:57:11 17 ambiguous. Calls for speculation.

11:57:14 18 THE WITNESS: So for CitiStaff

11:57:17 19 contractors, whenever nextSource would send us any

11:57:22 20 pay rate changes or increases, raises, I would send

11:57:28 21 them to Emilio. Send the e-mail to have a

11:57:34 22 confirm -- confirmation of it, a written consent.

11:57:36 23 And we would process it as follows.

11:57:38 24 BY MS. AVLONI:

11:57:39 25 Q. Okay. Did CitiStaff have authority, do

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12:23:51 1 THE WITNESS: I don't remember when I
12:23:52 2 first -- first started. Well, I believe so, yes.
12:24:09 3 BY MS. AVLONI:
12:24:09 4 Q. And do you know if Tesla was ever a client
12:24:13 5 of CitiStaff?
12:24:16 6 MR. RUTSCHMAN: Objection; calls for
12:24:16 7 speculation.
12:24:20 8 THE WITNESS: No.
12:24:20 9 BY MS. AVLONI:
12:24:20 10 Q. It was just -- to your knowledge you
12:24:22 11 believe nextSource was a client and to your
12:24:24 12 knowledge you don't believe that Tesla was a client
12:24:28 13 of CitiStaff when you were there?
12:24:30 14 MR. RUTSCHMAN: Objection; misstates the
12:24:31 15 witness' prior testimony.
12:24:32 16 THE WITNESS: To my knowledge CitiStaff
12:24:37 17 helped nextSource provide contractors for -- to
12:24:40 18 work at Tesla for Tesla.
12:24:43 19 BY MS. AVLONI:
12:24:43 20 Q. Okay. Did nextSource have -- to your
12:24:52 21 knowledge and based on your job duties as a staff
12:24:54 22 supervisor -- do you know if CitiStaff gave
12:25:00 23 nextSource the power to issue its contractors
12:25:08 24 raises?
12:25:09 25 MR. RUTSCHMAN: Objection; vague,

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12:25:14 1 ambiguous, and calls for speculation.

12:25:21 2 THE WITNESS: To my knowledge nextSource

12:25:23 3 did provide CitiStaff with raises for CitiStaff

12:25:26 4 contractors through the time that I was there.

12:25:29 5 BY MS. AVLONI:

12:25:30 6 Q. And nextSource had agreed to provide and

12:25:33 7 recommend promotions for CitiStaff employees?

12:25:35 8 MR. RUTSCHMAN: Objection; calls for

12:25:35 9 speculation.

12:25:39 10 THE WITNESS: nextSource did provide

12:25:44 11 CitiStaff with raises and promotions.

12:25:50 12 BY MS. AVLONI:

12:25:50 13 Q. And do you know if nextSource's had the
ability to discipline CitiStaff employees?

12:25:58 15 MR. RUTSCHMAN: Objection; vague and
12:25:58 16 ambiguous. Calls for speculation.

12:26:07 17 THE WITNESS: Discipline? As far as --

12:26:09 18 BY MS. AVLONI:

12:26:09 19 Q. Issuing termination, issuing suspicion,
12:26:12 20 writeup.

12:26:13 21 A. Yes.

12:26:14 22 MR. RUTSCHMAN: Same objections.

12:26:15 23 BY MS. AVLONI:

12:26:15 24 Q. And to your knowledge nextSource had the
12:26:18 25 ability to demote CitiStaff contractors?

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12:27:33 1 Q. And how would you know -- how did you come
12:27:36 2 to know that in some situations Tesla supervisors
12:27:40 3 would tell nextSource that a CitiStaff contractor
12:27:43 4 is doing great?

12:27:44 5 A. nextSource would tell me. Sometimes
12:27:46 6 when I would speak with a few of them they'll let us
12:27:50 7 know and -- before they would send us the actual
12:27:59 8 e-mail consenting of their raise.

12:28:01 9 Q. Have you ever seen nextSource decline a
12:28:07 10 raise request by a Tesla supervisor?

12:28:09 11 A. No, I haven't seen that.

12:28:12 12 Q. Okay. Do you know if Tesla has the
12:28:15 13 ability to recommend promotions for CitiStaff
12:28:19 14 contractors working in the Tesla facility?

12:28:21 15 MR. RUTSCHMAN: Objection; calls for
12:28:21 16 speculation.

12:28:28 17 THE WITNESS: Can you repeat the question.

12:28:29 18 BY MS. AVLONI:

12:28:29 19 Q. I know. This verbiage gets all confusing.
12:28:32 20 Do you know if Tesla employees have the
12:28:39 21 ability to recommend promotions for CitiStaff
12:28:46 22 contractors --

12:28:47 23 MR. RUTSCHMAN: Objection; calls for
12:28:47 24 speculation.

12:28:48 25 BY MS. AVLONI:

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12:28:48 1 Q. -- that are working in the Tesla facility?

12:28:52 2 A. **No, I do not know.**

12:28:56 3 Q. Do you know if Tesla has the ability to
12:29:02 4 recommend discipline for CitiStaff contractors
12:29:06 5 working in a Tesla facility?

12:29:09 6 MR. RUTSCHMAN: Objection; calls for
12:29:09 7 speculation.

12:29:10 8 THE WITNESS: No, I do not.

12:29:16 9 BY MS. AVLONI:

12:29:16 10 Q. Do you know if Tesla has the ability to
12:29:19 11 recommend termination of a relationship between a
12:29:21 12 CitiStaff contractor working at its facility?

12:29:26 13 MR. RUTSCHMAN: Objection; calls for
12:29:26 14 speculation.

12:29:31 15 THE WITNESS: In that case I would say
12:29:32 16 yes. If there is -- if they're in a department
12:29:37 17 that's far away or -- and they're being supervised
12:29:43 18 by them and that supervisor, then, yes, I would say
12:29:47 19 in that case they would be able to tell nextSource
12:29:51 20 about the worker's performance.

12:29:59 21 BY MS. AVLONI:

12:30:00 22 Q. Do you know if nextSource -- isn't it
12:30:03 23 true that nextSource is kind of just like a
12:30:05 24 middleman between CitiStaff providing employee --
12:30:09 25 contractors to nextSource and then nextSource

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12:48:49 1 Q. These are the only two that you recall?

12:48:55 2 A. **Yeah.**

12:48:56 3 MR. RUTSCHMAN: Is that a yes?

12:48:56 4 THE WITNESS: Yes.

12:48:56 5 BY MS. AVLONI:

12:48:57 6 Q. And referring to Owen bringing concerns,

12:49:00 7 you recall him bringing two concerns to your

12:49:02 8 attention, one about the picture and the other one

12:49:04 9 about the altercation with Rothaj; is that correct?

12:49:06 10 A. **Correct.**

12:49:08 11 Q. In regards to the picture, when he

12:49:15 12 communicated that concern to you, what did you do?

12:49:17 13 A. **So when he told me about it, you know, due**

12:49:25 14 **to the fact that we take it seriously, we**

12:49:30 15 **immediately took it up to HR -- Judy -- and let my**

12:49:38 16 **supervisors know about it as well, which they said**

12:49:44 17 **to talk to Judy for this case.**

12:49:51 18 Q. Did you talk to Judy?

12:49:53 19 A. **Yes, I did.**

12:49:57 20 Q. What did you guys discuss?

12:49:59 21 A. I told Judy about, you know -- I told Judy

12:50:03 22 that I discussed -- spoke with Owen, you know. I

12:50:09 23 checked in to -- with him to see do you -- are you

12:50:19 24 going to return to your -- to your job. He said

12:50:22 25 yes. I asked him if he wanted to be moved to a

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12:50:26 1 different department. He said no. You know, he was
12:50:33 2 upset and a little aggravated. But I let him know
12:50:42 3 that I'm -- HR is going to deal with this. I have
12:50:47 4 already brought it up to them to their immediate
12:50:50 5 attention. I let my supervisors know. And I let
12:50:57 6 Chartwell -- I gave them the okay to consent to
12:51:00 7 speak with Owen Diaz.

12:51:12 8 Q. Do you recall discussing anything else
12:51:13 9 with Owen Diaz regarding this situation? I'm sorry,
12:51:19 10 actually. You were describing to me the
12:51:20 11 conversation you had with Judy; right?

12:51:24 12 A. Yes.

12:51:25 13 Q. Because -- let's back up. Let's get a
12:51:27 14 clear record.

12:51:27 15 So when Owen raised the concern about the
12:51:33 16 picture to you, you talked to Owen. And what did he
12:51:42 17 tell you?

12:51:45 18 MR. RUTSCHMAN: Objection; asked and
12:51:45 19 answered.

12:51:50 20 THE WITNESS: So he pretty much told me
12:51:53 21 how -- what happened, how he came across the
12:51:58 22 picture. You know, he felt that the rac- -- the
12:52:07 23 picture was racist and that he wanted to make a
12:52:17 24 complaint.

12:52:21 25 BY MS. AVLONI:

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01:18:06 1 **A.** **A what kind of policy?**
01:18:09 2 **Q.** Bereavement.
01:18:11 3 MR. RUTSCHMAN: Bereavement.
01:18:12 4 BY MS. AVLONI:
01:18:13 5 **Q.** Bereavement.
01:18:13 6 **A.** **Oh --**
01:18:14 7 MR. RUTSCHMAN: Objection; calls for
01:18:14 8 speculation.
01:18:15 9 BY MS. AVLONI:
01:18:15 10 **Q.** Leave policy.
01:18:16 11 **A.** **That I don't know.**
01:18:16 12 **Q.** Do you know if nextSource has a
01:18:19 13 bereavement leave policy?
01:18:21 14 MR. RUTSCHMAN: Objection; calls for
01:18:21 15 speculation.
01:18:22 16 THE WITNESS: That I don't know.
01:18:23 17 BY MS. AVLONI:
01:18:24 18 **Q.** Tesla? Do you know whether Tesla has such
01:18:26 19 a policy?
01:18:28 20 MR. RUTSCHMAN: Objection; calls for
01:18:28 21 speculation.
01:18:29 22 THE WITNESS: That I don't know.
01:18:30 23 BY MS. AVLONI:
01:18:30 24 **Q.** Did you try to place Owen at another
01:18:34 25 facility after he was separated from Tesla?

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01:18:37 1 MR. RUTSCHMAN: Objection; vague and
01:18:38 2 ambiguous.
01:18:42 3 THE WITNESS: I did mention that, you
01:18:45 4 know, we could possibly place him somewhere else.
01:18:48 5 But it wouldn't be making the same amount of money
01:18:51 6 that he was making there. And he just -- basically
01:18:57 7 he didn't want to hear it. He was like F that.
01:19:00 8 Thirteen dollars ain't -- ain't shit, basically.
01:19:07 9 So -- you know, I tried to get him to calm
01:19:15 10 down by telling him hey, you know, I could probably
01:19:18 11 place you somewhere else. You're not just -- you
01:19:21 12 know, your assignment didn't work here, you know, it
01:19:24 13 ended here. But, you know, do you want to try
01:19:27 14 something else. And he didn't. He didn't want to
01:19:30 15 do anything else basically. So --
01:19:33 16 BY MS. AVLONI:
01:19:33 17 Q. Was Tesla -- do you know if Tesla paid the
01:19:37 18 highest rate to CitiStaff contractors?
01:19:40 19 MR. RUTSCHMAN: Objection; calls for
01:19:40 20 speculation.
01:19:45 21 THE WITNESS: I don't know if Tesla paid
01:19:47 22 the highest rate to Citistaff contractors. But when
01:19:51 23 a lot of people hear Tesla, it's a well-known
01:19:55 24 manufacturer for these electric cars. So when
01:19:58 25 people hear Tesla, everybody just wants to work at

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01:21:03 1 Q. Did you have any client that paid more
01:21:05 2 than \$16 an hour?
01:21:07 3 A. I don't think so. Other than Tesla.
01:21:13 4 MS. AVLONI: What time is it right now?
01:21:15 5 It's 1:21 p.m. It makes sense, I think, to go on a
01:21:19 6 break.
01:21:21 7 MR. RUTSCHMAN: Yes.
01:21:21 8 MS. AVLONI: Okay. So it is 1:21 and
01:21:24 9 we're going off the record.
01:21:25 10 (Recess taken from 1:21 p.m. to 2:18 p.m.)
02:18:36 11 MS. AVLONI: The time is now 2:18 p.m.
02:18:38 12 And we're back on the record.
02:18:42 13 Q. Ms. De Leon, what is your current address?
02:18:48 14 A. My --
02:18:49 15 MR. RUTSCHMAN: Objection; privacy. She's
02:18:51 16 represented in this action, so you can contact her
02:18:54 17 through our firm.
02:18:55 18 MS. AVLONI: And will you --
02:18:56 19 MR. RUTSCHMAN: I'm going to instruct her
02:18:58 20 not to answer.
02:18:58 21 MS. AVLONI: And will you agree to accept
02:19:00 22 a subpoena on behalf of Ms. De Leon, trial subpoena?
02:19:05 23 MR. RUTSCHMAN: Yes.
02:19:06 24 BY MS. AVLONI:
02:19:06 25 Q. And you're okay with your attorney

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03:51:45 1 MR. RUTSCHMAN: Objection; the document
03:51:47 2 speaks for itself.

03:51:48 3 THE WITNESS: His pay rate.

03:51:50 4 BY MS. AVLONI:

03:51:51 5 Q. Is that the new pay rate, the raise, or
03:51:53 6 the previous pay raise?

03:51:55 7 A. That would be the new pay rate from his
03:51:57 8 raise that he got.

03:51:58 9 Q. So what the document is saying is that
03:52:01 10 somewhere in August 16 of 2015 Owen Diaz' pay rate
03:52:06 11 increased to \$18?

03:52:08 12 A. Yes.

03:52:08 13 Q. And then do you know what the regular
03:52:09 14 billing rate \$23.76 means?

03:52:13 15 A. That would have had to have been just in
03:52:15 16 the contract between nextSource and --

03:52:20 17 Q. Do you know if that's the amount that
03:52:23 18 CitiStaff billed nextSource for Owen's hourly
03:52:29 19 rate?

03:52:30 20 A. I don't know.

03:52:31 21 Q. And then if you look at "Status." It says
03:52:34 22 "3." Do you know what that means?

03:52:40 23 A. I forgot what that was.

03:52:42 24 Q. How about "Work code"? Do you know what
03:52:45 25 that --

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1 REPORTER'S CERTIFICATION

2

3 I, Heidi Belton, Certified Shorthand

4 Reporter in and for the State of California, do

5 hereby certify:

6

7 That the foregoing witness was by me duly
8 sworn; that the deposition was then taken before me
9 at the time and place herein set forth; that the
10 testimony and proceedings were reported
11 stenographically by me and later transcribed into
12 typewriting under my direction; that the foregoing
13 is a true record of the testimony and proceedings
14 taken at that time.

15

16 IN WITNESS WHEREOF, I have subscribed my
17 name on this date:

18

19

20

21

22

23 Heidi Belton, CSR, RPR, CRR, CCRR, CRC
24 CSR No. 12885

25

Exhibit

3

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

--○○○--

DEMETRIC DIAZ, OWEN DIAZ AND)
LAMAR PATTERSON,)
)
 Plaintiffs,) CASE NO.
) 3:17-cv-06748-WHO
 vs.)
)
 TESLA, INC., DBA TESLA MOTORS,)
 INC.; CITISTAFF SOLUTIONS, INC.;)
 WEST VALLEY STAFFING GROUP;)
 CHARTWELL STAFFING SERVICES,)
 INC.; AND DOES 1-50, INCLUSIVE,)
)
 Defendants.)
)

VIDEOTAPED DEPOSITION OF TAMOTSU KAWASAKI

DATE : OCTOBER 9, 2019
TIME : 2:05 P.M.
LOCATION : CALIFORNIA CIVIL RIGHTS LAW GROUP
180 GRAND AVENUE, SUITE 1380
OAKLAND, CALIFORNIA

REPORTED BY: ANGIE M. MATERAZZI
Certified Shorthand Reporter
License No. 13116

TAMOTSU KAWASAKI

October 9, 2019

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25

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1 **A. Correct.**

2 MR. ARANEDA: Objection, vague.

3 BY MR. ORGAN:

4 Q. And then you reported to Ed Romero, when he
5 came in, right?

6 **A. Correct.**

7 Q. And before Ed Romero came in, you reported
8 directly to Jaime Salazar?

9 **A. Correct.**

10 Q. Okay. Did Ed Romero ever tell what you should
11 be doing in terms of your job?

12 A. So Ed, when he came in, he let me know, well,
13 okay, this is who I am, this is what I'm here to do, you
14 know. And he said he was through a staffing company as
15 well, so I didn't think nothing of it. Okay, well, a
16 staffing company sent somebody to oversee, whatever.
17 Okay, fine, it's my not my problem.

18 And then he -- yeah. That's all she wrote and
19 then he was automatic -- he had a e-mail, so I
20 automatically added him every time I had an issue to the
21 e-mail, along with Jaime and Victor. So I -- I don't
22 know. He really didn't tell me what my real -- I mean,
23 I knew what I was supposed to do. I was doing it before
24 he got there, so.

25 Q. Sure. What -- and -- and when you became the

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1 lead for the overnight crew, is that -- were you the
2 lead for the overnight crew when Owen Diaz started
3 working in the elevator area?

4 **A.** So Owen Diaz was -- when I was the elevator
5 lead, Owen Diaz was there.

6 Q. Okay. So -- okay. So if I have it correct,
7 then, Owen Diaz -- and -- and I think I told you he
8 started in June of 2015.

9 So when Owen Diaz came in in June of 2015, you
10 were the lead for the elevators at that time; is that
11 right?

12 **A.** Correct.

13 Q. And then after Mr. Diaz started working there,
14 you got a promotion to the lead for over -- for the
15 overnight crew?

16 **A.** Correct.

17 Q. And then who took your place as lead for the
18 elevators?

19 A. So I put -- so that's -- Victor asked me who I
20 thought would be a good fit for the area and I just went
21 over my records of who shows up on time, who's doing
22 their job, who's not taking breaks and I said Owen Diaz
23 was one of the guys that's here every day, he doesn't
24 take days off, he's on time, and he's -- works. So it
25 went from there that -- then that turned and went to

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1 Edward Romero to put whoever he wanted into the
2 position. It wasn't...

3 Q. Okay. So you -- you were -- Ed Romero asked
4 you who you thought could take your place, when you were
5 promoted to the -- the lead over the overnight crew,
6 right?

7 **A. Correct.**

8 Q. And you mentioned Owen Diaz as one of the
9 possible people because he had -- he got there every day
10 and did his work well; is that right?

11 **A. Correct.**

12 Q. Okay. And then do -- do remember whether Ed
13 Romero took your suggestion and promoted Owen to the
14 lead position?

15 **A. He did.**

16 MR. ARANEDA: Objection, lacks foundation,
17 calls for speculation.

18 BY MR. ORGAN:

19 Q. You -- you know that Owen got promoted to the
20 lead over the elevators?

21 **A. Yes, because I was there overnight, yeah, and**
22 **he was my elevator lead.**

23 Q. Okay. And is there just one lead per shift
24 for these elevators?

25 **A. Yes. So that -- the shift -- we're there**

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1 use the bathroom, I would step in and fill the position
2 for the five, ten minutes they left to go use the
3 bathroom, whatever it is, or get something to eat. I
4 mean, we were working 12-hours days, I wasn't trying to
5 burn anybody out. If they needed a break, they needed a
6 break.

7 And then he called me -- Owen had called me
8 and said he got into altercation, so I drove back to the
9 elevators and said what happened and they were arguing
10 and I can't -- can't really remember what the argument
11 was about, but I -- I think they -- I think some-
12 something -- I forgot what he said. He said
13 something -- that he called him something. I just
14 forgot what it was, but I have it all down in e-mail. I
15 know I e-mailed everything to my immediate supervisor
16 that night.

17 Q. Okay. So I'm going to show you an e-mail that
18 you sent at the end of July, so July 31st. This is
19 Exhibit 42. And just so the record is clear, we're
20 looking at Tesla 510.

21 You mentioned an e-mail that you sent. Is
22 this the e-mail you sent about what information you
23 received from Owen Diaz?

24 A. Yep.

25 Q. You mention in here -- and -- and you sent --

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1 another employee. Whether it was joking or not, you
2 still said it, you got to go home.

3 Q. Right. So let me just break that down.

4 So you recall that Mr. Timreza -- or at least
5 Mr. Diaz said that Mr. Timreza had used a racial slur
6 towards him, correct?

7 A. Correct.

8 Q. And that -- as you think about it, you recall
9 that -- at least one of the racial slurs he used was
10 dumb nigger; is that right?

11 MR. ARANEDA: Objection, misstates his
12 testimony.

13 THE WITNESS: It -- I know racial slurs were
14 said. I can't very verify that the N-word was said, but
15 from what they were arguing about, I know Owen said he
16 called me the N-word. I remember Owen saying that he
17 called me the N-word and they were arguing, where they
18 were almost about to get into a fight. So I got into
19 the middle of it and said -- it happened and there was
20 other people around that said it as well, that this
21 altercation happened, so in my book, as a supervisor,
22 I'm going to separate the two.

23 BY MR. ORGAN:

24 Q. Okay. Okay. So let me break that down. So
25 you do recall that Mr. Diaz, at least, told you that

TAMOTSU KAWASAKI
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1 Mr. Timreza had used the N-word towards him?

2 **A. Correct.**

3 Q. And you also recall that other people told you
4 that they had heard racial terms used; is that right?

5 **A. Correct.**

6 MR. ARANEDA: Objection, misstates his
7 testimony.

8 BY MR. ORGAN:

9 Q. Did -- did anyone ever tell you -- anyone
10 else -- other than Mr. Diaz -- tell you they had also
11 heard the N-word directed towards Mr. Diaz?

12 A. I don't remember anybody else telling me that
13 the N-word was directed towards him. I mean, it's -- we
14 live in that era where that words is very -- throw
15 around very casually.

16 Q. Right. But in terms of workplace policy at
17 the Tesla factory, people were not supposed to use the
18 N-word there?

19 A. Correct. That's any workplace.

20 Q. Right. Whether people use the word
21 casually -- in their everyday life or not -- is
22 irrelevant, relative to the workplace, right?

23 A. Correct.

24 MS. JENG: Objection, calls for a legal
25 conclusion.

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1 THE WITNESS: Correct.

2 BY MR. ORGAN:

3 Q. And in terms of the way -- did you receive any
4 training by Tesla about like workplace conduct on -- you
5 know, things you shouldn't say and it's okay to say,
6 any -- any training like that?

7 A. I didn't get any training from Tesla, if
8 that's what you're saying.

9 Q. Okay. So Tesla didn't give you any training
10 about discrimination or harassment?

11 A. They gave me a paper, when I became a lead, to
12 sign and I read, but not per se going to a class and
13 doing any training. It's just probably roughly a paper
14 to back themselves.

15 Q. Okay. And then let's -- let's go back to this
16 night, when you were talking to Owen Diaz. You said
17 that you sent Judy Timbreza home.

18 Did Mr. Timreza admit that he had used some
19 inappropriate language?

20 A. He -- he argued about it and said he didn't do
21 it. But at that time, them really arguing, almost
22 getting into a fight, and other people in the area
23 telling me that -- that was said in nature, it was my --
24 my decision to say, hey, what -- I can't keep them both
25 together and I can't put Judy in another department,

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1 there's nothing else for me to put him, I need to
2 separate these guys and those natures were said. At my
3 standpoint, I -- there's people around, they said what
4 they said. Okay, well, you got to go home. You --
5 that's not -- that's not cool, that's not right, you
6 can't do that.

7 Q. So -- so based on the information that you
8 received from the people that you talked to in the
9 general area were Owen and Judy Timbreza were working,
10 you -- you made the assessment that Mr. Timreza had at
11 least used some inappropriate words, correct?

12 **A. Correct.**

13 Q. And based on that determination you sent
14 Mr. Timreza home, correct?

15 **A. Correct.**

16 Q. Was there anybody who's -- who had said that
17 Mr. Diaz had used any inappropriate words?

18 **A. Not from my recollection, no.**

19 Q. Okay. And then did -- do you remember whether
20 or not Mr. Diaz said that Mr. Timreza had used the word
21 jiggabo?

22 Do you remember him complaining about that
23 word?

24 **A. No. Not to me, per se, about jiggabo. No,**
25 **that never --**

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1 on similar social positions with those two individuals?

2 MS. JENG: Objection, misstates --

3 MR. ORGAN: That's a bad question.

4 BY MR. ORGAN:

5 Q. Let me -- were you -- you guys were friends at
6 work; is that fair?

7 A. **Everybody's friends at work. Man, we're all**
8 **colleagues, nobody wants to --**

9 Q. Sure.

10 A. **-- be that guy, so.**

11 Q. Right.

12 A. **Yeah.**

13 Q. Did you -- did you socialize with either
14 Mr. Timreza or Mr. Diaz outside of work?

15 A. **No.**

16 Q. After work hours or anything like that?

17 A. **Never. No, I don't have -- no, I don't do**
18 **that.**

19 Q. Okay.

20 A. **Sorry. I had my own friends.**

21 Q. Okay. I -- I get that too.

22 And did Mr. Romero follow up with you after
23 you sent the e-mail on the 31st, to ask you more
24 specifically what the racist words or comments were that
25 Mr. Timreza had used?

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1 A. Yeah. I believe Edward came -- I want to say
2 that Monday, he came at the tail end of my shift and we
3 ate breakfast together in one of the cafeterias and
4 talked about what happened.

5 And I told him, This is what happened, other
6 people had told me, I took my own decision and said,
7 Hey, we've got to separate them, this guy has to go
8 home, so I sent him home. And I said, I e-mailed you
9 guys and that's it. Wherever you take it from there, I
10 mean that's -- the ball is in your court.

11 Q. Okay.

12 A. In my eyes, I just pretty much handed it off
13 to the next person. It had nothing -- I -- because like
14 I said, I don't have the power to do anything like that,
15 these guys above me that can subsequently reprimand or
16 do whatever they so choose.

17 Q. It wasn't your -- it wasn't your place to give
18 any kind of written warning or anything like that to
19 Mr. Timreza; is that right? Is that what you're saying?

20 A. So it was -- that's where it gets -- Edward
21 did come that Monday with -- he said there's a rule that
22 there's these three written warnings before anybody gets
23 laid off, I guess. That's what -- that Monday he told
24 me about that.

25 Like I said, I didn't have any training or any

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1 knowledge of anything like that. All I knew was, if
2 there was an issue on my shift, e-mail it and cc these
3 people on it.

4 Q. Okay. And was -- did Edward Romero tell you
5 that -- because if you look at the top of the e-mail,
6 which is -- if you look at your -- it's 8/2 so --

7 **A. August 2nd.**

8 Q. Yeah, 2015. It says, I believe we can handle
9 the situation.

10 Do you see that, where you're saying that to
11 Mr. Quintero? Do -- do you remember -- does that
12 refresh your recollection about -- did you ever have any
13 conversations with Mr. Quintero about what had happened
14 between Judy Timbreza and Mr. Owen Diaz?

15 **A. No -- no, I cc'd him. As -- as you can see,**
16 **he replied back, Let me know if he can help in this**
17 **matter and he was on vacation that weekend.**

18 Q. Oh, okay. And then --

19 **A. So that's where I said I think we can handle**
20 **the situation.**

21 Q. And when you say the -- the we there, that we
22 can handle the situation, you included Ed Romero in the
23 we; is that correct?

24 MR. ARANEDA: Objection, calls for
25 speculation -- I mean, lacks foundation.

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1 Q. Okay. All the time.

2 Did you ever -- were you ever aware of any
3 kind of run-ins or problems between Owen Diaz and Ramon
4 Martinez?

5 A. I vaguely remember Owen saying that he -- him
6 and Ramon didn't like each other.

7 Q. Okay.

8 A. But I don't remember why. I mean, like I
9 said, I keep to myself. Stuff like that goes in one ear
10 and out the other. What does it bother me, you guys
11 don't like each other. You guys are -- you guys work
12 together. What does it matter. You don't got to like
13 everybody you work with.

14 Q. Okay.

15 A. Even right now, I don't like some people I
16 work with, but I deal with it.

17 Q. Sure. Okay. Let's see. Any -- do you
18 remember anything else about that conversation you had
19 with Ed Romero about the Judy Timbreza, Owen Diaz
20 interaction?

21 A. Like I said, I -- the only thing I remember is
22 I know I e-mailed them. He asked me what the e-mail was
23 about. I told him they got into an altercation, racial
24 slurs were said -- that was said to Owen from Judy and I
25 sent Judy home and the ball is in your court.

TAMOTSU KAWASAKI
October 9, 2019

1 And that's where Ed -- Edward came out with,
2 Well, let's -- we can write him up for this situation
3 right here and three write-ups is a layoff and then he
4 gave me that paperwork and I in turn brought it to Judy
5 and said you need to sign this, this is what happened.
6 It's not saying you're going to get laid off. It's just
7 a document stating that this situation happened and
8 you're being written up for it.

9 Q. So do you recall that there was some kind of
10 writing, in terms of writing up Mr. Martinez (sic) for
11 his conduct, relative to Mr. Diaz; is that right?

12 A. There should be documents that Ed gave to me
13 that I in turn had signed. I don't know what Ed did
14 with those documents after.

15 That's -- like I said, I -- that's above my
16 pay grade. I don't know -- like I said, I e-mailed,
17 they had me do what I -- I had to do -- have sign the
18 documents. I gave everything over to them. I don't
19 know what they did, where they filed it. There
20 was nothing ever after that, towards me.

21 Q. Okay.

22 A. Like, they didn't say this is what happened,
23 this is what we're doing, nothing like that.

24 Q. Okay. And then do -- do you remember if Ed
25 Romero actually did any kind of investigation of his

TAMOTSU KAWASAKI
October 9, 2019

1 own, that he made you aware of?

2 A. Not that he made me aware of, like
3 investigation-wise. I don't know. I thought that he
4 just got written up for it and that was the end of it.
5 Like I said, my recollection is -- I got -- I gave him
6 the documents to sign, wrote up, I then in turn gave the
7 documents back to Edward.

8 Q. Okay. So if I have it down right, at some
9 point after the altercation between Owen Diaz and Judy
10 Timbreza, Mr. Romero gave you some kind of write-up for
11 Mr. Timreza; is that right?

12 A. I -- I believe he said that was Tesla's, I
13 guess, their -- their way of backing themselves, when an
14 altercation like -- something -- or any altercation that
15 happens, you can write them up for it and they had a
16 three write-up rule. After the third write-up, was a
17 termination.

18 Q. Okay. And so in terms of the write-up for
19 Mr. Timreza, that was given to you by Mr. Diaz (sic) and
20 then you got Mr. Timreza to sign it and then returned it
21 to Mr. Diaz; is that right?

22 A. Correct.

23 Q. And -- and just so we're clear --

24 A. Mr. Diaz -- Romero. You're talking about --

25 Q. I'm sorry.

TAMOTSU KAWASAKI

October 9, 2019

1 Q. Okay.

2 A. So -- and I tried calling him, but he didn't
3 answer, his phone was off.

4 Q. Okay. Did -- did -- and after this e-mail
5 exchange between you and Mr. Romero, did you have any
6 additional discussions with Mr. Romero about Judy
7 Timbreza, that you can recall?

8 A. We didn't have any different discussions. All
9 I know is after that, Judy did not work for Tesla
10 anymore or for the staffing company, so I took it upon
11 myself to believe he got laid off. They didn't tell me
12 what was going to happen.

13 Q. Okay.

14 A. So...

15 Q. So after -- after you had the -- the
16 discussion with Mr. Romero, you don't know what happened
17 to Judy Timbreza; is that right?

18 A. He stopped -- he wasn't working for my shift
19 anymore. For all I know, he could have been on day
20 shift.

21 Q. Okay.

22 A. But I'm assuming.

23 Q. Now, I'm going to ask you if this refreshes
24 your recollection -- actually you're not on this e-mail.
25 This one.

TAMOTSU KAWASAKI
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1 **factory, it doesn't stop.**

2 Q. Sure. I'm going to show you what's been
3 previously marked as Exhibit 34. Exhibit 34, for the
4 record, is a one-page document Bates-stamped ODIAZ3 and
5 it's an e-mail from Diaz to Mr. Romero and to you on
6 October 17th at 6:08 p.m.

7 Do you remember Mr. Diaz complaining about
8 Ramon Martinez threatening him?

9 **A. Yeah, I remember this.**

10 Q. Tell me -- tell me about what you recall
11 relating to this threatening incident by Mr. Martinez
12 towards Mr. Diaz.

13 A. I remember Owen saying that -- like he stated,
14 that Roman was waiting down at the bottom elevator,
15 where Roman wasn't supposed to be because he had nothing
16 to do with the inside team. He had everything to do
17 with the outside bailer team and bailing those
18 cardboards and putting them on the lift. And then in
19 turn was trying to get over -- I guess he was trying to
20 be -- show Owen that he was the boss. But at the same
21 time he wasn't because I had control of the team -- of
22 the inside building and the outside.

23 Now, in turn, he e-mailed this situation and I
24 believe I was off this day and I got the e-mail and
25 Edward got the e-mail, but Edward dealt with it.

TAMOTSU KAWASAKI
October 9, 2019

1 I wasn't totally clear. Were you present for
2 that altercation?

3 A. I was not present for the altercation. I came
4 afterwards, when I was called, to come to the
5 altercation, and I was in a different part of the
6 warehouse. I don't recollect where I was in the
7 warehouse. But like I said, I had so many different
8 positions to fill or oversee --

9 Q. Okay.

10 A. -- in that warehouse. When I got the call, I
11 went there immediately --

12 Q. Got it.

13 A. -- and they were still arguing.

14 Q. Got it. So did you witness any parts of the
15 altercation?

16 A. I didn't witness any part of the altercation,
17 per se. I just showed up and they were still arguing,
18 almost face-to-face, looked like they were about to
19 fight, so I got off of my cart and went to them and
20 said, You got guys to back away from each other, you
21 know, and what happened and I logged -- I asked Owen
22 what happened, I asked Judy what happened and then there
23 were people around and I asked them what happened.

24 Owen said racial slurs were said. The people
25 around him said Judy said racial slurs towards Owen and

TAMOTSU KAWASAKI
October 9, 2019

1 like I said, my decision at that point was, these guys
2 are about to fight, one of them's got to go home. It
3 was like Judy was the aggressor, saying racial slurs, so
4 I sent him home.

5 Q. So you heard -- you said they were still
6 fighting when you got there?

7 A. They were arguing.

8 Q. They were arguing.

9 Did you hear any part of the argument at all?

10 A. I just heard them saying, Back up. They were
11 in each other's face and I remember Owen saying, Back up
12 and Judy was saying, What are you going to do and all
13 that. And it looked like they were about to fight and
14 that's where I intercepted and broke them apart --

15 Q. Okay.

16 A. -- and said, You go over there and you go over
17 there and that's in turn why --

18 Q. So is that everything you remember hearing
19 from --

20 A. Yeah. I just remember --

21 Q. -- that altercation?

22 A. -- them saying back up to each other. I don't
23 remember hearing any -- like I said, I didn't hear any
24 racial slurs, I didn't -- all I got was from what
25 happened around at that time --

TAMOTSU KAWASAKI

October 9, 2019

1 Okay, well, my decision, you got to go home
2 and I ended up covering the rest of the elevator shift
3 for that day.

4 Q. And the other people that you spoke with, what
5 they were doing, when --

6 A. So in the elevator -- it's -- it's -- there's
7 a walkway in front of it and like I say, you see the
8 elevator on the map, there's a cafeteria, so everybody
9 from that line side is coming to take their break. I
10 think it might have been on a break time, where people
11 were falling off that line and they were just overseeing
12 it.

13 I don't know who they were. Like I said, I
14 only know the employees that I have under me. Everybody
15 else was a blur.

16 Q. After you sent Mr. Timreza home that night,
17 did you ever see him at Tesla again?

18 A. I think I -- I seen him the next day.

19 Q. Okay.

20 A. I seen him the next day. I didn't send -- I
21 didn't say you're -- you're home indefinitely. I just
22 said, You got to go home for the night.

23 Q. You mentioned that at some point he no longer
24 worked at Tesla, as far as you knew, at least on your
25 shift.

TAMOTSU KAWASAKI

October 9, 2019

1 A. Yes.

2 Q. Did Mr. Diaz work that day?

3 A. Yes.

4 Q. Okay. Did you work Sunday?

5 A. I did work Sunday.

6 Q. Did Mr. Timreza work that day?

7 A. I believe so, yeah, yeah. He worked up until
8 Monday. The last day I seen him -- he -- so he had
9 Monday, Tuesday off.

10 Q. Okay.

11 A. Right. So he worked Wednesday, Thursday,
12 Friday, Saturday, Sunday. He had Monday, Tuesday off.
13 He didn't come back -- they -- that's on Monday, they
14 told me that he's not coming back.

15 Q. Okay. And that's --

16 A. Or they told me to fill the elevator position,
17 so I assumed he's not coming back. They told me, You
18 need to find somebody on your shift that can cover the
19 elevator and that's where I assumed he's not coming back
20 and then he didn't come back that following Wednesday.

21 Q. Okay. When -- do you know if Mr. Diaz worked
22 the Saturday after the altercation?

23 A. I believe he -- I believe he did because -- I
24 believe he did because I was very attentive on that
25 elevator that night, that Saturday night. I was --

TAMOTSU KAWASAKI

October 9, 2019

1 CERTIFICATE OF DEPOSITION OFFICER

2

3 I, ANGIE M. MATERAZZI, CSR No. 13116, duly
4 authorized to administer oaths Pursuant to Section
5 2093(b) of the California Code of Civil Procedure,
6 hereby certify that the witness in the foregoing
7 deposition was by me duly sworn to testify the truth,
8 the whole truth and nothing but the truth in the
9 within-entitled cause; that said deposition was taken at
10 the time and place therein stated; that the testimony of
11 the said witness was reported by me and thereafter
12 transcribed by me or under my direction into
13 typewriting; that the foregoing is a full, complete and
14 true record of said testimony; and that the witness was
15 given an opportunity to read and correct said deposition
16 and to subscribe the same.

17 I further certify that I am not of counsel nor
18 attorney for either or any of the parties in the
19 deposition and caption named, or in any way interested
20 in the outcome of the cause named in said caption.

21 I hereby certify this copy is a true and
exact copy of the original.
22

23

ANGIE M. MATERAZZI, CSR 13116

24

25 Date: _____

Exhibit

4

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

---oo---

DEMETRIC DI-AZ, OWEN DIAZ,
and LAMAR PATTERSON,

Plaintiffs,

vs.

No. 3:17-cv-06748-WHO

TESLA, INC. Dba TESLA MOTORS,
INC.; CITISTAFF SOLUTIONS,
INC.; WEST VALLEY STAFFING
GROUP; CHARTWELL STAFFING
SERVICES, INC.; and DOES 1-50,
inclusive,

Defendants.

//

DEPOSITION OF EDWARD ROMERO

November 30, 2018

Reported by:

Bridget M. Mattos, CSR No. 11410

EDWARD ROMERO
November 30, 2018

Page 4

1 A P P E A R A N C E S

2

3 FOR PLAINTIFF:

4 CALIFORNIA CIVIL RIGHTS LAW GROUP

5 BY: LAWRENCE A. ORGAN, ATTORNEY AT LAW

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8 (415) 453-4740

9

10 FOR DEFENDANT:

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12 BY: BARBARA ANTONUCCI, ATTORNEY AT LAW

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14 Los Angeles, California 90067

15 (310) 909-7775

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EDWARD ROMERO

November 30, 2018

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1 MS. ANTONUCCI: Yes.

2 MR. ORGAN: Q. So, just so you understand,
3 I'm not going to ask for your address, so I don't have
4 to send a process server to serve you for the trial.
5 The trial in this matter I think is currently set for
6 May 12th or something like that.

7 MS. ANTONUCCI: 13th.

8 MR. ORGAN: And it's probably going to get
9 moved.

10 Q. What we'll do is, we will send a subpoena to
11 your attorney rather than have to bother you at home.
12 Is that okay?

13 A. **Sure.**

14 Q. Tell me, at some point in time you worked for
15 Tesla; is that correct?

16 A. **Correct.**

17 Q. When was that? When did you work at Tesla?

18 A. From October 2015 to August of 2017.

19 Q. Before October of 2015, where did you work
20 before that?

21 A. **Let me think for a second.**

22 **I was working for Pyramid Janitorial.**

23 Q. Have you ever had your --

24 A. **Let me correct that. That's Paramount.**

25 Q. Paramount?

EDWARD ROMERO

November 30, 2018

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1 **A. I do.**

2 Q. Any other questions you have?

3 **A. I do not.**

4 Q. Now, you said that you were at Tesla from
5 October 2015 to August of 2017. I'll just tell you,
6 I've got an email that's dated August 4th of 2015 from
7 you to Victor Quintero.

8 **A. Yes.**

9 Q. Is it possible that you were working at Tesla
10 before October 2015?

11 **A. Okay, I'll clarify that.**

12 Q. Huh?

13 **A. I'll clarify that.**

14 Q. Yes.

15 **A. I got hired at Tesla as a contractor from**
16 July 5th to October, so I was not working for Tesla; I
17 was working for a contractor, which was nextSource.

18 Q. Okay. And what was the job that you were
19 doing from July 5th of 2015 to October of 2015?

20 **A. I was a janitorial supervisor -- I didn't mean to cut you**
21 **off. I'm sorry.**

22 Q. Go ahead.

23 **A. I was a janitorial supervisor.**

24 Q. And what did you supervise as the janitorial
25 supervisor?

EDWARD ROMERO

November 30, 2018

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1 MR. ORGAN: Q. As far as you know?

2 A. **As far as I know, everyone was subject to**
3 **follow the rules on PPE.**

4 Q. And that was true regardless of whether they
5 were a contractor or whether they were a regular Tesla
6 employee; right?

7 A. **Yes.**

8 MS. ANTONUCCI: Objection; calls for
9 speculation.

10 MR. ORGAN: Q. So in terms of, like, the
11 safety requirements, as far as you understood it and
12 as far as you were trained, it was your understanding
13 that regular Tesla employees and contractors both had
14 to follow the personal protection equipment program;
15 correct?

16 A. **Yes.**

17 MS. ANTONUCCI: Objection; calls for
18 speculation.

19 Can you give me one second? Just take a
20 breath.

21 THE WITNESS: I will.

22 MS. ANTONUCCI: Okay. Thank you.

23 MR. ORGAN: Q. Tesla also required employees
24 to wear personal protective equipment, or PPE, in the
25 factory; is that true?

EDWARD ROMERO

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1 A. Could you restate that again?

2 Q. Yeah.

3 You understood that Tesla required the
4 employees, whether they be contractors or regular
5 Tesla employees, to wear personal protective equipment
6 in the factory?

7 A. Yes.

8 Q. And Tesla supplied that personal protective
9 equipment to the employees; is that correct?

10 A. From what I understand, overall, yes. I
11 can't speak for other departments. Maybe they had
12 different guidelines because of the type of work that
13 they did there, so I can't speak for all of Tesla. I
14 only knew a portion of it.

15 Q. Sure. But in terms of the -- you were in
16 maintenance and janitorial -- or recycling and
17 janitorial. In that area, all employees had to wear
18 PPE; is that correct?

19 A. Yes.

20 Q. And that was true whether they were an
21 employee of Tesla or whether they were an -- or a
22 contractor; correct?

23 A. Yes. Because even the contractors would be
24 called to their attention if they were not wearing
25 their PPE.

EDWARD ROMERO

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1 you had to take that training?

2 A. No, I can't remember the specifics, other
3 than that they wanted me to take it.

4 Q. How many employees did you oversee when you
5 were the janitorial supervisor for nextSource?

6 A. I think it was approximately --

7 MS. ANTONUCCI: Objection; lacks foundation.

8 THE WITNESS: I don't remember the head
9 count. I can give you an average head count. It was
10 probably 35 to 40 people. It fluctuated depending on
11 vacancies, people leaving and coming, and so on.

12 MR. ORGAN: Q. And in terms of your
13 supervising those 35 to 40 people when you were
14 nextSource's janitorial supervisor, could you assign
15 those people where they worked?

16 A. Yes, because I was their direct supervisor at
17 nextSource.

18 Q. And could you tell them how to do their job?

19 A. I was expected to.

20 Q. Did you have any say in how they were
21 evaluated as employees?

22 A. Yes.

23 Q. Could you hire them?

24 A. No.

25 Q. Could you fire them?

EDWARD ROMERO

November 30, 2018

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1 **A.** No.

2 **Q.** Could you recommend that they be hired or
3 fired?

4 MS. ANTONUCCI: Objection; vague.

5 THE WITNESS: I think as people came and
6 left, we -- I would only tell nextSource we have this
7 vacancy, and they would go out and hire the
8 individuals.

9 MR. ORGAN: I see. Okay.

10 Q. We already talked, I think, a little bit.
11 You did monitor your employees to make sure that they
12 were following the Tesla PPE requirements; right?

13 **A.** Yes.

14 Q. And you said that you also had
15 responsibilities as a supervisor to make sure that
16 they weren't engaging in inappropriate conduct; is
17 that true?

18 **A.** Could you repeat that again?

19 Q. Yeah, let me rephrase it.

20 When you were the janitorial supervisor for
21 nextSource, you understood it to be one of your
22 supervisorial duties to ensure that employees did not
23 engage in any kind of racially discriminatory conduct;
24 right?

25 **A.** It was a given that we were to observe the

EDWARD ROMERO

November 30, 2018

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1 scope of work. Okay? I did not supervise their
2 employees; I did not direct their employees. Okay? I
3 was to supervise the contractors.

4 Q. So you worked with the contracting agencies
5 then as the --

6 A. Their representatives.

7 Q. And who was the nextSource representative?

8 A. Wayne Jackson.

9 Q. And who was City Staff?

10 A. Oh, I don't know who they were. It's my
11 understanding that they worked together. I don't know
12 what type of arrangement they had, but I think
13 nextSource took the lead in bringing in people into
14 the factory.

15 Q. So it was your understanding that nextSource
16 took the lead in bringing in employees into the
17 factory, even if they worked for a different
18 contractor, like City Staff?

19 A. That was my understanding. It was my
20 understanding.

21 Q. I understand.

22 A. I have no more knowledge of that.

23 Q. That's all I'm asking for is your
24 understanding of stuff.

25 Okay. Then in terms of -- do you know what

EDWARD ROMERO

November 30, 2018

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1 terms; right?

2 **A. That the witnesses denied hearing any racial**
3 **slurs being made.**

4 Q. But the witnesses also said that Mr. Timbreza
5 had a tendency to kid around excessively.

6 **A. Correct.**

7 Q. Right?

8 And you had no basis to suggest or think that
9 Owen Diaz was lying about this, did you?

10 **A. No.**

11 MS. ANTONUCCI: Objection; vague.

12 MR. ORGAN: Q. In fact, a verbal warning was
13 issued to Mr. Timbreza, wasn't it?

14 **A. It was for his kidding around excessively.**

15 Q. Did it mention anything about racially
16 offensive remarks?

17 **A. I don't think that it did.**

18 Q. Did you see this verbal warning that --

19 **A. I don't remember.**

20 Q. Let me finish the question.

21 **A. Okay.**

22 Q. Did you see the verbal warning that was
23 issued to Mr. Timbreza?

24 **A. I do not remember looking at it. I can't**
25 **remember looking at it.**

EDWARD ROMERO

November 30, 2018

Page 214

1 State of California)

2 County of Marin)

3

4 I, Bridget M. Mattos, hereby certify
5 that the witness in the foregoing deposition was by me
6 duly sworn to testify to the truth, the whole truth
7 and nothing but the truth in the within entitled
8 cause; that said deposition was taken at the time and
9 place herein named; that the deposition is a true
10 record of the witness's testimony as reported to the
11 best of my ability by me, a duly certified shorthand
12 reporter and disinterested person, and was thereafter
13 transcribed under my direction into typewriting by
14 computer; that the witness was given an opportunity to
15 read, correct and sign the deposition.

16 I further certify that I am not
17 interested in the outcome of said action nor connected
18 with or related to any of the parties in said action
19 nor to their respective counsel.

20 IN WITNESS WHEREOF, I have hereunder
21 subscribed my hand on November 30, 2018.

22

23 BRIDGET M. MATTOS, CSR NO. 11410

24

25

Exhibit

5

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

---oOo---

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiffs,
vs.
No. 3:17-cv-06748-WHO

TESLA, INC. Dba TESLA MOTORS,
INC.; CITISTAFF SOLUTIONS,
INC.; WEST VALLEY STAFFING
GROUP; CHARTWELL STAFFING
SERVICES, INC.; NEXTSOURCE,
INC.; and DOES 1-50,
inclusive,

Defendants.

/

DEPOSITION OF KEVIN McGINN

June 17, 2019

Reported by:

Bridget M. Mattos, CSR No. 11410

KEVIN McGINN

June 17, 2019

1 A P P E A R A N C E S

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KEVIN McGINN

June 17, 2019

1 MR. ORGAN: Q. And did nextSource provide
2 any associates, or what you referred to as
3 administrative employees, to Tesla?

4 **A. Yes.**

5 Q. Approximately how many administrative -- do
6 you refer to them interchangeably as administrative
7 employees or associates, if I refer to those two terms
8 or --

9 **A. Yes.**

10 Q. What's the term that you typically use?

11 **A. Associates.**

12 Q. So if I refer to "associates," you'll
13 understand those are administrative employees;
14 correct?

15 **A. Yes.**

16 Q. So approximately how many associates did
17 nextSource provide to Tesla, starting when you started
18 in October of 2015?

19 **A. I would estimate -- so the head count levels
20 will fluctuate depending on demand at the direction of
21 the client, but the average associate staffing would
22 be between 30 and 40 associates.**

23 Q. And the contract that nextSource had with
24 Tesla included at least a provision that allowed for
25 nextSource to provide those 30 to 40 associates to

KEVIN McGINN
June 17, 2019

1 one category of a managed service provider.

2 The second category would be the selection of
3 suppliers. So supplier selection would be a service
4 that nextSource provides under its agreement.

5 Q. And what does that mean, selection of
6 suppliers? What does that involve?

7 A. So a client such as Tesla may have needs in a
8 certain geography or a certain, say, skill set.
9 NextSource associates provide only a part of those
10 needs; right? So nextSource would select suppliers
11 who would provide additional supplier-employed workers
12 at the Tesla site.

13 Q. So in other words, nextSource would
14 coordinate with other staffing agencies to try and
15 accommodate Tesla's demand for associates at the
16 Fremont factory?

17 MR. GELLER: Misstates his testimony.

18 Go ahead.

19 THE WITNESS: NextSource would select
20 suppliers who would provide resources into the Tesla
21 factory at the direction of -- day-to-day direction of
22 Tesla. However, those workers were employed; in other
23 words, they were recruited, onboarded and paid, and,
24 if needed, you know, terminated by the supplier
25 employer.

KEVIN McGINN
June 17, 2019

1 Q. And then under managed service providers, in
2 terms of the functions that nextSource provided, those
3 sort of fall into two categories.

4 You would provide a platform, a technology
5 platform for associates to essentially submit
6 timesheets; is that correct?

7 MR. GELLER: Misstates his testimony.

8 THE WITNESS: The platform would be for the
9 supplier-employed workers to submit -- enter and
10 submit their timesheets, which would then be approved
11 by the -- well, to be approved by the client.

12 MR. ORGAN: Okay.

13 Q. So for example, nextSource chose CitiStaff
14 Solutions, Inc., as a provider; is that correct?

15 A. Yes.

16 Q. And then nextSource would establish the
17 technology platform for CitiStaff associates to, like,
18 submit their timesheets and things like that; is that
19 correct?

20 A. Yes.

21 Q. In addition to that, did nextSource provide
22 any additional services for CitiStaff employees, other
23 than the timekeeping function?

24 A. No.

25 Q. And then in addition to these sort of -- I'll

KEVIN McGINN

June 17, 2019

1 State of California)

2 County of Marin)

3

4 I, Bridget M. Mattos, hereby certify
5 that the witness in the foregoing deposition was by me
6 duly sworn to testify to the truth, the whole truth
7 and nothing but the truth in the within entitled
8 cause; that said deposition was taken at the time and
9 place herein named; that the deposition is a true
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11 best of my ability by me, a duly certified shorthand
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13 transcribed under my direction into typewriting by
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15 read, correct and sign the deposition.

16 I further certify that I am not
17 interested in the outcome of said action nor connected
18 with or related to any of the parties in said action
19 nor to their respective counsel.

20 IN WITNESS WHEREOF, I have hereunder
21 subscribed my hand on June 17, 2019.

22

23 BRIDGET M. MATTOS, CSR NO. 11410

24

25

Exhibit

6

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

---oo---

DEMETRIC DI-AZ, OWEN DIAZ,
and LAMAR PATTERSON,

Plaintiffs,

vs.

No. 3:17-cv-06748-WHO

TESLA, INC., dba TESLA
MOTORS, INC.; CITISTAFF
SOLUTIONS, INC.; WEST VALLEY
STAFFING GROUP; CHARTWELL
STAFFING SERVICES, INC.;
and DOES 1-50, inclusive,

Defendants.

//

DEPOSITION OF VICTOR QUINTERO

June 7, 2018

Reported by:

Bridget M. Mattos, CSR No. 11410

VICTOR QUINTERO

June 7, 2018

1 A P P E A R A N C E S

2

3 FOR PLAINTIFF:

4 CALIFORNIA CIVIL RIGHTS LAW GROUP

5 BY: LAWRENCE A. ORGAN, ATTORNEY AT LAW

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9

10 FOR DEFENDANT:

11 CONSTANGY, BROOKS, SMITH & PROPHETE

12 BY: BARBARA ANTONUCCI, ATTORNEY AT LAW

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17 (NOT PRESENT)

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19 PAHL & MCCAY

20 BY: FENN HORTON, ATTORNEY AT LAW

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24

25 THE VIDEOGRAPHER: SAJA SPEARMAN, CCRLG

VICTOR QUINTERO

June 7, 2018

1 talking about is -- the new-employee training is the
2 training that every employee is supposed to take that
3 goes into the Tesla factory. It doesn't matter
4 whether they're a contractor or not; right?

5 **A. Yes.**

6 Q. Okay. Now, with respect to any kind of
7 safety equipment for your contractors, let's say if
8 they needed safety goggles, could they get safety
9 goggles from the vending machines that Tesla had?

10 **A. The supervisors and the managers had access**
11 **to the vending machines.**

12 Q. And so if there was a -- let's say there was
13 a -- well, the elevator operators, they're working in
14 the area that's surrounded by the line; right?

15 **A. Yes.**

16 Q. And so they needed to wear safety goggles
17 whenever they might leave the elevator area to go,
18 let's say, to the bathroom; right?

19 **A. Okay.**

20 Q. The equipment, like the safety equipment like
21 the goggles, those would be provided by Tesla; right?

22 MS. ANTONUCCI: Objection; lacks foundation.

23 THE WITNESS: The supervisors had access to
24 the vending machines, so they could get them and hand
25 them out to the employees as needed.

VICTOR QUINTERO

June 7, 2018

1 Q. Have you ever heard of a pickaninny?

2 A. **Pickaninny?**

3 Q. Pickaninny.

4 A. **No.**

5 Q. A pickaninny is an offensive image that was
6 used at the turn of the last century to depict
7 African-Americans in offensive ways.

8 Have you ever of that?

9 A. **No, not that.**

10 Q. Okay.

11 A. **I'm not that old.**

12 Q. No, I didn't think you were.

13 How old are you?

14 A. **59.**

15 Q. And what was done as a result of your
16 receiving this picture, which is the second page of
17 Exhibit 37?

18 A. Yeah, so Wayne and I talked about it, and
19 Wayne stated that he was going to -- he either had or
20 was going to suspend Ramon, and that -- so we talked
21 about whether Ramon should be terminated or not. And
22 so the decision was made to give him a permanent
23 written warning to make sure it didn't happen again.
24 And I remember the decision was based on the fact that
25 Ramon had never exhibited this type of behavior

VICTOR QUINTERO

June 7, 2018

1 before, as far as like anything that was offensive to
2 anybody, doing anything that's offensive to anybody.
3 And, yeah, so that was the decision that was made at
4 the time. Basically, it was Wayne's decision, and I
5 agreed.

6 Q. Okay. So the two of you talked about it --

7 A. **Yes.**

8 Q. -- and decided on a course of action;
9 correct?

10 A. **Yes. But mainly, it was Wayne Jackson who**
11 **made the decision. It's his employee, so...**

12 Q. Did Wayne Jackson --

13 A. **I can -- my perspective is I can only**
14 **recommend certain things, you know.**

15 Q. What did you recommend should be done?

16 A. **That I agreed with his recommendation to**
17 **suspend Ramon and give him a permanent written**
18 **warning, which basically meant that if it happened**
19 **again, he's terminated.**

20 Q. Is Ramon Martinez still working at the Tesla
21 plant?

22 A. **Yes.**

23 Q. Where does he work now?

24 A. **Same thing, recycling.**

25 Q. But now he's got -- he's a supervisor now;

VICTOR QUINTERO

June 7, 2018

1 right?

2 **A.** Either he was at the time, but for sure he is
3 now.

4 **Q.** Is Ramon Martinez a regular Tesla employee
5 now?

6 **A.** No, he's a nextSource employee. Supervisor.

7 **Q.** Okay.

8 **A.** And since then, he has never demonstrated any
9 other offensive behavior to anybody.

10 **Q.** Have you checked with the employees around to
11 find out if that's true?

12 **A.** No. I don't talk to everybody myself, in
13 person.

14 **Q.** So how do you know he hadn't done anything
15 offensive to anyone else?

16 **A.** That has come to my attention.

17 **Q.** Who told you that?

18 **A.** That is what I know today.

19 **Q.** How do you know that?

20 **A.** Because since this happened, I have not
21 received any feedback on Ramon, as far as anybody
22 being offended by discrimination or harassment or
23 anything like that.

24 **Q.** Have you heard about the allegations that
25 there are numerous Tesla black employees who have been

VICTOR QUINTERO

June 7, 2018

1 State of California)

2 County of Marin)

3

4 I, Bridget M. Mattos, hereby certify
5 that the witness in the foregoing deposition was by me
6 duly sworn to testify to the truth, the whole truth
7 and nothing but the truth in the within entitled
8 cause; that said deposition was taken at the time and
9 place herein named; that the deposition is a true
10 record of the witness's testimony as reported to the
11 best of my ability by me, a duly certified shorthand
12 reporter and disinterested person, and was thereafter
13 transcribed under my direction into typewriting by
14 computer; that the witness was given an opportunity to
15 read, correct and sign the deposition.

16 I further certify that I am not
17 interested in the outcome of said action nor connected
18 with or related to any of the parties in said action
19 nor to their respective counsel.

20 IN WITNESS WHEREOF, I have hereunder
21 subscribed my hand on June 7, 2018.

22

23 _____ BRIDGET M. MATTOS, CSR NO. 11410

24

25

Exhibit

7

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

---oo---

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiffs,
vs.
No. 3:17-cv-06748-WHO

TESLA, INC. dba TESLA MOTORS,
INC.; CITISTAFF SOLUTIONS,
INC.; WEST VALLEY STAFFING
GROUP; CHARTWELL STAFFING
SERVICES, INC.; NEXTSOURCE,
INC.; and DOES 1-50,
inclusive,

Defendants.

DEPOSITION OF WAYNE JACKSON

Friday, May 17, 2019

Reported by: Patricia Rosinski, CSR #4555

Job No. 13571

WAYNE JACKSON

May 17, 2019

1

A P P E A R A N C E S

2

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36 (415) 434-9100

37 pjeng@sheppardmullin.com

WAYNE JACKSON

May 17, 2019

1 **or less.**

2 Q. Tell me how it worked in terms of, let's say
3 someone raised a complaint of discrimination or
4 harassment --

5 **A. Uh-hum.**

6 Q. -- what was your understanding of how such a
7 complaint was to be handled?

8 MR. ARANEDA: It's vague.

9 MR. ORGAN: It is a little big vague. Let me
10 try it again so it's a little clearer.

11 THE WITNESS: Uh-hum.

12 MR. ORGAN: Q. Let's assume that a contract
13 employee, meaning someone who wasn't a regular Tesla
14 employee but was a contract employee who nextSource was
15 doing liaison with, what was your understanding of the
16 procedure for -- if a contract employee for one of the
17 companies that you were doing liaison for made a
18 complaint of harassment or discrimination, what was the
19 process that was supposed to be followed?

20 A. I alerted the agency, usually one of the first
21 things I did, whatever supplier they were from. I would
22 gather any information I could get, present that to the
23 agency, and then they would kind of conduct their
24 investigation from there.

25 Q. When such a complaint was raised, what was your

WAYNE JACKSON

May 17, 2019

1 Q. And do you remember what the information was
2 that you got that there was a problem relative to
3 Owen Diaz?

4 A. **There was a disparaging picture found on some**
5 **boxes.**

6 Q. Did you get a copy of the picture?

7 A. I believe so. I believe it was e-mailed to me.
8 Someone took a photo and e-mailed it to me.

9 Q. It was a picture of a pickaninny.
10 Is that correct?

11 A. I don't --

12 Q. Is that your recollection?
13 MR. ARANEDA: Objection.

14 THE WITNESS: I don't know if it was a --
15 MR. ARANEDA: Vague.

16 THE WITNESS: Yeah. I don't know what you'd --
17 you'd call it. It was offensive. It was a -- I think I
18 used to call it a jigaboo or something, you know.

19 MR. ORGAN: Right.

20 THE WITNESS: I forgot what they called it.

21 MR. ORGAN: Q. It was an offensive depiction
22 of an African-American.

23 Is that correct?

24 A. Yes, sir.

25 Q. And you found it offensive, right, when you saw

WAYNE JACKSON

May 17, 2019

1 doing disciplinary or things of that nature, if I'm not
2 mistaken.

3 MR. ORGAN: Q. So your understanding of
4 Ed Romero's tasks, though, relative to the elevator
5 operators was that he could do scheduling, right --

6 **A. Yes, sir.**

7 Q. -- for them, and that Mr. Romero would at least
8 direct their work; right?

9 **A. Yes, sir.**

10 Q. How would discipline towards contract employees
11 take place, then, typically?

12 **A. If there was a complaint, I would alert their**
13 **agency of the complaint.**

14 Q. And then it was up to the agency to do the
15 disciplinary action.

16 Is that right?

17 **A. Yes, sir. Whether they were terminated, I**
18 **couldn't terminate. They weren't my employees.**

19 Q. I see.

20 **A. Yeah.**

21 Q. Could you recommend termination for people?

22 **A. I mean, I can make a recommendation, but it**
23 **wasn't -- the final decision wasn't mine.**

24 Q. I see.

25 Then in terms of Tesla's role in any kind of

WAYNE JACKSON

May 17, 2019

1 **instructed by Victor."**

2 Q. Okay. And, then, in terms of any discussions
3 that you had with Ed Romero, do you recall any
4 discussions with Ed about this altercation between
5 Mr. Diaz and Martinez?

6 A. I'm sure I did, but I can't recall what the
7 details were, to be honest.

8 Q. What was the ultimate outcome of this
9 investigation that you did into 126 -- into the
10 information in Exhibit 126? Do you remember?

11 A. I don't recall. I believe it was a -- a
12 warning was issued. Yeah, I believe so.

13 Q. Was a warning issued to Mr. Martinez, then?

14 A. I don't recall. I think it was both in the
15 sense if I -- I can't even remember because, like I
16 said, Mr. Diaz had -- the timing is probably what's
17 throwing me off a little bit.

18 But he had a few interactions with employees
19 where he was pretty aggressive, I guess you could say,
20 and we probably verbally counseled both of them to --
21 to, you know, more or less, play nice with each other in
22 the sandbox.

23 Q. And do you think -- if you go back to
24 Exhibit 125 where Mr. Ramon Martinez has that email on
25 October 17th at 4:56 a.m., do you recall that

WAYNE JACKSON
May 17, 2019

1 Mr. Martinez said that Mr. Diaz was aggressive?

2 Because he doesn't mention that in the email.

3 He says unprofessional or --

4 A. Yeah, he didn't say -- yeah, I don't believe he
5 said that. He just -- like I said, it was more of an
6 attitude issue.

7 Q. In terms of Ramon Martinez's complaint about
8 Mr. Diaz, it was more about Mr. Diaz's attitude, not
9 about his aggressiveness; correct?

10 A. More of about his professionalism, yes, sir.

11 Q. Mr. Martinez thought that Mr. Diaz needed to be
12 more professional with him.

13 Is that right?

14 MR. ARANEDA: It calls for speculation.

15 THE WITNESS: I wouldn't say with him, but more
16 with everybody. He wasn't being professional with a few
17 people in the -- not only other contractors, but Tesla
18 employees.

19 MR. ORGAN: Q. Did Mr. Martinez tell you how
20 Mr. Diaz was not being professional?

21 A. Like I said, it was more of an attitude, so I
22 really couldn't -- I couldn't answer that for
23 Mr. Martinez, to be honest. More or less, it was just
24 that Owen was getting into it with a lot of individuals.

25 Q. Okay.

WAYNE JACKSON

May 17, 2019

1 Q. Mr. Diaz told you he was offended --

2 A. -- yes, sir.

3 Q. -- by the drawing?

4 A. Yes, sir.

5 Q. And in terms of making sure that the impacted
6 workers know the warning was given, how did you go about
7 informing people that Mr. Martinez had been warned?

8 A. Oh, I believe we had a meeting with the crew,
9 if I'm not mistaken. Yeah, because I had to come up
10 there on three different occasions, once for the
11 morning, swing, and then for the grave.

12 Q. Okay.

13 A. To let everybody know that, you know, those
14 types of actions were unacceptable.

15 Q. Was that documented in any way, like, an email
16 or anything like that saying, Look, I don't --

17 A. I don't recall. I probably did send an email
18 saying we need to meet with each team, with each group,
19 but I don't recall if I did or not.

20 Q. And that would have been an email that would
21 have been copied to Tesla and the various agencies.

22 Is that right?

23 A. Yes, sir.

24 Q. Then if you got -- Item 3 here says, "Let's
25 send out an update to the workforce on the seriousness

WAYNE JACKSON

May 17, 2019

1 terminate Mr. Martinez; right?

2 MR. ARANEDA: Objection. Vague.

3 THE WITNESS: Yeah, I wouldn't say that he did
4 not agree to terminate, but it was more that it wasn't
5 his employee to terminate.

6 Q. Right.

7 But Victor could have said he can't work here
8 anymore, right, being --

9 A. **He could have --**

10 Q. -- from Tesla?

11 A. **Yes. He could have made that recommendation,**
12 **yes.**

13 Q. And initially when you met with Victor, Victor
14 didn't even want to suspend Mr. Martinez; correct?

15 MR. ARANEDA: Objection. Vague.

16 THE WITNESS: I don't believe that was the
17 case, no. He wanted disciplinary action, yes, he did.

18 MR. ORGAN: Q. But the disciplinary action
19 that Victor had suggested originally was just a warning
20 letter, right, a final warning?

21 A. I believe so, yes.

22 Q. And then you had the conversation with him
23 where you said, Look, I think he should be terminated,
24 but if you're not going to terminate Mr. Martinez, you
25 should at least give a suspension; right? That's what

WAYNE JACKSON
May 17, 2019

1 you told Mr. Quintero?

2 **A.** Yes, sir.

3 Q. And then Mr. Quintero -- and then I think at
4 some point, you suggested what about a suspension?

5 **A.** **Uh-hum.**

6 Q. Is that what happened?

7 **A.** **Yes, sir.**

8 Q. And then Mr. Quintero agreed to the suspension
9 and the final written warning.

10 Is that right?

11 **A.** Yes, sir.

12 Q. And then Mr. Quintero recommended to -- I guess
13 it was Chartwell that had Mr. Martinez; right?

14 **A.** **I believe so, yes, sir.**

15 Q. So Mr. Quintero recommended a suspension and
16 final written warning and Chartwell agreed with that;
17 right?

18 **A.** **Yes, sir.**

19 Q. Okay.

20 **A.** **They actually issued that to him. It was an**
21 **unpaid suspension.**

22 Q. Right. I think a three-day suspension.

23 Is that right?

24 **A.** **It was either three or five; I'm not sure. I**
25 **can't recall.**

WAYNE JACKSON
May 17, 2019

1 Do you remember sending any kind of email about
2 what your discussion was with Mr. Diaz?

3 **A. No, sir, I don't recall that.**

4 Q. Did it concern you that after the altercation
5 between Mr. Diaz and Mr. Martinez in the October time
6 period and then come January you've got this jigaboo
7 drawing, did that concern you?

8 MR. ARANEDA: Objection.

9 THE WITNESS: Yes, sir.

10 MR. ARANEDA: Vague.

11 MR. ORGAN: Q. And what did you do to act on
12 that concern that you had?

13 **A. Like I said, I alerted the various agencies so**
14 **they could look into it a little further.**

15 Q. And, in fact, that's why you decided, in your
16 opinion, that Mr. Martinez had been -- had crossed the
17 line at least twice such that he needed to be
18 terminated; right?

19 MR. ARANEDA: Objection. It misstates his
20 testimony.

21 THE WITNESS: I wouldn't say he crossed the
22 line twice. Once again, the first incident was more or
23 less unsubstantiated. There were no witnesses or
24 anybody. It was kind of my-word-against-yours type of
25 deal.

WAYNE JACKSON

May 17, 2019

1 to what was going to be done relative to the jigaboo
2 drawing; correct?

3 MR. ARANEDA: Objection. Vague.

4 THE WITNESS: I wouldn't say he was --

5 MS. STEVENS: Objection. It calls for
6 speculation.

7 THE WITNESS: -- in the investigation more so
8 because, like I said, Chartwell kind of took over that
9 portion.

10 MR. ORGAN: I see.

11 THE WITNESS: Yeah.

12 MR. ORGAN: Q. But Mr. Quintero originally had
13 a conversation with you where he only recommended a
14 written warning; right?

15 A. A stern warning, yes, sir.

16 Q. Right.

17 And then after you had a discussion with
18 Mr. Quintero where you had recommended termination of
19 Mr. Martinez, the two of you compromised on a suspension
20 and written warning; correct?

21 MR. ARANEDA: Objection. It misstates his
22 testimony.

23 THE WITNESS: I wouldn't say --

24 MR. ARANEDA: It lacks foundation.

25 THE WITNESS: I wouldn't say "compromise"

WAYNE JACKSON

May 17, 2019

1 **A.** **No.**

2 **Q.** -- at Tesla?

3 **A.** I wouldn't have. I wouldn't have done anything
4 with her, no.

5 **Q.** What's your opinion of West Valley Staffing
6 Group?

7 **A.** They're a good staffing agency, just like any
8 other staffing agency.

9 **Q.** I'm going to ask you about a word that has
10 been -- that's come up a few times in this case, and I
11 don't want you to be offended, but I have to use the
12 word. The word is nigger.

13 **A.** Yes, sir.

14 **Q.** Did you ever hear anyone use that word at
15 Tesla?

16 **A.** Yes, sir.

17 **Q.** In what circumstances did you hear that word
18 being said?

19 **A.** There had been times where I'd actually
20 walked -- been walking through the facility, and there
21 was -- one time in particular, there was two Asian or
22 Filipino gentlemen. And one was, like, "What's up, my
23 nigga," to the other one. That type of thing.

24 It still was offensive, but, you know, it
25 wasn't my employee, so I didn't engage in it.

WAYNE JACKSON

May 17, 2019

1 that?

2 Objection. Vague.

3 THE WITNESS: If you were to ask -- I don't
4 know if I could answer, but if you were to ask me,
5 people use it in different contexts.

6 MR. HORTON: So you're referring to "nigga"?

7 THE WITNESS: Yes, they use it in different
8 context.

9 MR. ORGAN: Q. So what you heard was "What's
10 up, my nigga"?

11 A. Yes, sir.

12 Q. N-I-G-G-A?

13 A. Yes, sir.

14 Q. Okay.

15 A. And I will hear that often, to be honest.

16 Q. Oh. So you heard the A version of the N
17 word -- just so we don't have to use it again --

18 A. Uh-hum.

19 Q. -- the A version -- you testified about
20 nigga --

21 A. Yes, sir.

22 Q. -- so let's call that the A version --

23 A. Yes.

24 Q. -- of the N word.

25 Is that okay with you?

WAYNE JACKSON
May 17, 2019

1 **A.** There you go.
2 **Q.** -- right?
3 **A.** There you go. It shouldn't be used at all,
4 so...
5 **Q.** And where you currently work --
6 **A.** Uh-hum.
7 **Q.** -- do you hear the N word there?
8 **A.** No, sir.
9 **Q.** All right. And other than at the Tesla
10 factory, have you ever heard the N word used by
11 non-African-Americans in the workplace?
12 **A.** Yes, sir.
13 **Q.** Where else?
14 **A.** Places like Walmart, I've heard their
15 associates saying it to each other.
16 **Q.** Okay.
17 **A.** I mean, yeah, I have heard it in other places.
18 **Q.** Did you hear the E-R version of the N word at
19 Tesla?
20 **A.** No, I think that's even a more disparaging
21 version, so a lot of people are super offended by that.
22 **Q.** Right.
23 But you didn't hear that at Tesla; right?
24 **A.** No, I did not.
25 **Q.** In terms of the number of times that you heard

WAYNE JACKSON

May 17, 2019

1 the N word with an A at Tesla, how many times -- what's
2 your best estimate of the number times you've heard
3 that?

4 **A.** Three, four times, probably.

5 **Q.** And did you report that to HR?

6 **A.** No, sir.

7 **Q.** Why not?

8 **A.** Because of the context it was being used in
9 wasn't being used, at least in my opinion, to offend.

10 It was just people being ignorant.

11 Q. You do know that some African-Americans are
12 offended by any use of the N word even with the A;
13 correct?

14 **A.** **And that's their preference, yes, sir.**

15 Q. And in terms of any kind of, like, diversity
16 training on the issue of the use of the N word, were you
17 aware of any such training during the time that you were
18 at the Tesla factory?

19 **A.** **I couldn't say I do know. No, I don't know. I**
20 **wasn't involved in their orientation or training**
21 **processes, no.**

22 Q. But in terms of your knowledge of whether or
23 not such training occurred, you're not aware of any kind
24 of diversity training that Tesla did around the N word;
25 correct?

WAYNE JACKSON
May 17, 2019

1 REPORTER'S CERTIFICATE

2 STATE OF CALIFORNIA)
3 COUNTY OF MARIN) ss.
)

4 I, PATRICIA ROSINSKI, hereby certify:

5 That I am a Certified Shorthand Reporter in the
6 State of California.

7 That prior to being examined, WAYNE JACKSON,
8 the witness named in the foregoing deposition, was by me
9 duly sworn to testify the truth, the whole truth, and
10 nothing but the truth;

11 That said deposition was taken pursuant to
12 Notice of Deposition and agreement between the parties
13 at the time and place therein set forth and was taken
14 down by me in stenotype and thereafter transcribed by me
15 by computer and that the deposition is a true record of
16 the testimony given by the witness.

17 I further certify that I am neither counsel for
18 either, nor related in any way to any party to said
19 action, nor otherwise interested in the result or
20 outcome thereof.

21 Pursuant to Federal Rules of Civil Procedure,
22 Rule 30(e), review of the transcript was not requested
23 before the completion of the deposition.

24

PATRICIA ROSINSKI, CSR No. 4555

25 May 28, 2019

Exhibit

8

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
- - - - -
DEMETRIC DIAZ, OWEN DIAZ, and)
LAMAR PATTERSON,)
Plaintiffs,) CASE NO.
vs.) 3:17-CV-06748-WHO
TESLA, INC. dba TESLA MOTORS,)
INC.; CITISTAFF SOLUTIONS,)
INC.; WEST VALLEY STAFFING)
GROUP; CHARTWELL STAFFING)
SERVICES, INC.; and DOES 1-50,)
inclusive,)
Defendants.)
- - - - -

DEPOSITION OF MICHAEL JOHN WHEELER

WEDNESDAY, JUNE 12, 2019

Reported by:

BY: MELINDA M. SELLERS, CSR# 10686, RMR, CRC, CRR, CCRR

MICHAEL JOHN WHEELER

June 12, 2019

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25

MICHAEL JOHN WHEELER

June 12, 2019

1 **A.** **Mm-hmm.**

2 **Q.** Is that right?

3 **A.** **Yes.**

4 **Q.** And I think we said that was in either the
5 September/October 2015 time frame that you moved up
6 to supervisor --

7 **A.** **Yes.**

8 **Q.** -- is that right?

9 Okay. And when you moved up to supervisor,
10 the supervisor position wasn't necessarily an
11 employee or a direct employee of Tesla, right?

12 **A.** **No.**

13 **Q.** And tell me what the job duties were of the
14 supervisor position?

15 **A.** So I managed the other 22 employees that
16 worked graveyard with me, making sure that they were
17 on time, they were following the protocols, safety,
18 lunch times were monitored, putting together plans
19 and working with Tesla employees to make the
20 recycling process better. And then, of course,
21 disciplinary.

22 **Q.** Okay. So you would do, like, performance
appraisals or things like that?

24 **A.** I would do all the way up to termination.

25 **Q.** As the supervisor, did you have authority

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1 to terminate --

2 **A. Yes.**

3 Q. -- people under you?

4 **A. Mm-hmm. There are a few, yes, employees**
5 **that I did have to ask to leave.**

6 Q. Okay. And when you asked people to leave,
7 did Tesla have input on that process?

8 **A. Josue and that circle, upper circle, yes,**
they could. For the most part anyone that I asked
to leave was a pretty serious offense.

11 Q. Okay. But in terms of terminating
employees, you would always consult with the -- the
managers from Tesla; is that right?

14 **A. No. I would talk to -- I'd send the emails**
out to the appropriate channels, but very rarely did
they respond.

17 Q. Okay.

18 **A. A lot of those cases at Tesla are**
19 **cut-and-dry. We have people that bring guns to**
20 **Tesla. We have people that bring cocaine to Tesla.**
21 **We have people fornicating at Tesla. So it's --**
22 **it's usually an easy fix.**

23 Q. Okay. In terms of the policies that you
24 were enforcing as the supervisor in the recycling --
25 is it okay if I call it recycling?

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1 A. He was either Chartwell or Flagship.

2 Q. Okay. Tell me about this incident where
3 Jesus called you the N-word.

4 A. I was -- it was pretty cut-and-dry. I went
5 to speak with him about what had happened, to let
6 him know that it was inappropriate to take pictures
7 of other associates, but it was also inappropriate
8 to take pictures of associates while they're
9 off-duty.

10 He tried to justify his actions by saying,
11 "Well, he was sleeping. He's not allowed to sleep."

12 I reminded him that he was not in any
13 position of authority and he needed to delete the
14 picture.

15 And then he turns around, says, you know --
16 I'm sorry. Anyway, calls me the N-word and walks
17 off.

18 I report that to the Tesla supervisors and
19 also to Ramon Martinez, and that was that. Nothing
20 happened.

21 Shortly after that, he was given his own
22 position as a supervisor in a different section. So
23 still working for recycling, but just a little
24 further removed.

25 Q. Okay. So if I get this right, can you

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1 **And for him to sit there and lie to me and do what**
2 **he did, they just stopped talking to him after that.**

3 Q. Okay. In terms of Ramon Martinez, did you
4 ever hear him use the N-word towards anyone else?

5 A. **No. But as he's bilingual, whenever -- and**
6 **I mean this in the most non-, I don't know,**
7 **opinionated way. So if you are not a Spanish**
8 **speaker or people aren't sure if you are, when you**
9 **come around and they're talking, they'll switch to**
10 **their native language so that you can't listen to**
11 **their conversations. This happens in Tesla, outside**
12 **of Tesla.**

13 Q. Did you ever heard the word "negra"? Ever
14 heard that?

15 A. **Not that I was listening, but no.**

16 Q. "Miyate," ever hear that word from them?

17 A. I hear that all the time, so I can't tell
18 you from who I hear it from.

19 Q. Okay. So after you -- let's go back to the
20 conversation you had with Josue Torres about
21 complaining about Jesus calling you the N-word.

22 A. **Mm-hmm.**

23 Q. Where did that conversation take place?

24 A. **I do not remember. I remember trying to**
25 **trek -- track Ramon down because we're always in**

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1 A. Yes and no. So I had a little cart that I
2 drove around, and so I wouldn't be -- I would be
3 moving too fast to really drop into a conversation.

4 Q. I see. Okay.

5 But it sounded like you did hear the N-word
6 used at other times in the factory --

7 A. Yeah.

8 Q. -- is that correct?

9 A. During breaks or outside when they're
10 smoking or in passing, coming into the factory.

11 Q. And do you remember who the people were who
12 you heard using the N-word?

13 A. **Everybody. Blacks, whites, Mexican.**

14 Q. Okay. And you said that you didn't think
15 it was used in an aggressive way?

16 A. **Not at all.**

17 Q. So when you were overhearing it, you were
18 hearing it more like, "Hey, how's my N-word," or
19 that kind of thing?

20 A. **Yeah.**

21 Q. And the N-word with an "A"?

22 A. **"A," correct.**

23 Q. Right.

24 However, N-word with an "A" can still be
25 offensive to an African-American, right?

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1 that -- tell me what that might mean, if you know.

2 **A. I wouldn't say the operators were**
3 **recycling.**

4 Q. Okay.

5 **A. They literally stayed in the elevator all**
6 **day, taking Tesla products and recycling products**
7 **upstairs and downstairs --**

8 Q. Okay.

9 **A. -- but never did they need to move anything**
10 **other than off or onto the elevator. So they did**
11 **not break down boxes or sort or anything of that**
12 **caliber.**

13 Q. Okay. Did you actually supervise Owen Diaz
14 in any way?

15 **A. I was above Owen. I never needed to do**
16 **more than ask him, "Hey, can you bring something**
17 **down? Can you take this up?"**

18 Q. Okay. So you had an ability to at least
19 direct Owen's work, but you didn't have
20 responsibility for his -- for -- direct supervision
21 of his work? Or tell me what your leadership was.

22 **A. So I was technically Owen's superior.**

23 Q. Okay.

24 **A. And if I needed him to do something, that**
25 **would have been the chain of command.**

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1 Q. Okay. I'm just gonna -- I'm gonna show you
2 what's been previously marked as --

3 **A. The pictures --**

4 Q. -- Exhibit 128.

5 I don't know why I only have two copies. I
6 apologize, Counsel. It's Exhibit 128.

7 So Exhibit 128, for the record, is a
8 four-page document Bates-stamped TESLA 20 to 24 --
9 or 23, and it's got some pictures at the end of the
10 email from Mr. Diaz to Ed Ramiro.

11 Did you ever see the email that was --
12 that's on page 22, the third page?

13 **A. I did not see the emails --**

14 Q. Okay.

15 **A. -- involving this incident. But I did see**
16 **the bale.**

17 Q. You saw the actual --

18 **A. I saw the actual bale.**

19 Q. So you saw the bale of cardboard that's in
20 Exhibit 128 that has the Picaninny and the "Boo"
21 underneath, correct?

22 **A. Yes.**

23 Q. And tell me, what were the circumstances in
24 which you happened to see the actual picture, which
25 is -- I guess a close-up of it is the fourth page of

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1 Exhibit 128, which is also TESLA 23?

2 **A.** So --

3 **Q.** Why don't you turn to the last page of
4 Exhibit 128.

5 **A.** I remember this like it was yesterday.

6 **Q.** Okay.

7 **A.** But basically I was working in a different
8 part of the factory. And I get a phone call from
9 Owen, and he asks me if I could come over to the
10 elevator.

11 Q. Okay. Just so we're oriented, his email,
12 Owen's email, is dated January 22 of 2016. Does
13 that kind of coincide with when you recall Owen
14 calling you up?

15 **A.** As far as -- I mean, he called me to come
16 look at this.

17 Q. Okay.

18 **A.** As we had spoken before. So I was his
19 supervisor.

20 Q. Okay.

21 **A.** He wanted to make sure that another
22 supervisor other than Ramon had seen the picture.

23 Q. Okay.

24 **A.** Or the drawing.

25 Q. Did he know that it was Ramon Martinez who

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1 **called Ramon over. And we were trying to figure**
2 **out --**

3 Q. Let's stick with -- let's -- I want to get
4 to that.

5 **A. Okay.**

6 Q. But let's stick with, so when you first get
7 there, you were laughing about it, but because
8 that's your way of coping with negative things; is
9 that correct?

10 **A. Correct.**

11 Q. And so you didn't think it was a laughing
12 matter when you saw this picture, did you?

13 **A. Not after -- because it was a quick**
14 **chuckle, not a full -- not a lengthy laugh. But I**
15 **did realize it was a serious situation, so I reeled**
16 **it in pretty quickly.**

17 Q. And Owen wasn't laughing at all, was he?

18 **A. He was not. Didn't even have a smile on**
19 **his face.**

20 Q. Right. He considered this to be -- well,
21 strike that.

22 Did he tell you how he viewed this picture
23 of the Picaninny and the "Boo" underneath?

24 **A. He did.**

25 **And, also, I believe Owen is a little older**

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1 than me, so this would strike him more specifically
2 than it would my generation of African-Americans.
3 Where they still use, you know, "spook" and things
4 of that, you know, nature.

5 Q. Did he tell you -- did Owen tell you that
6 he thought the "Boo" was short for jigaboo?

7 A. **If he did mention it, I wasn't -- I was**
8 **more concerned with who, not what at that point.**

9 Q. Okay. Okay. But the way you perceived it
10 as an African-American male, was you still perceived
11 this as some kind of racial drawing, right?

12 A. **I perceived it as spook, "Boo" being**
13 **related to spook, not as jigaboo.**

14 Q. Okay. And it was still offensive to you as
15 an African-American male, right?

16 A. **Correct.**

17 Q. Okay. So and certainly Owen Diaz expressed
18 to you that he was offended by this drawing, right?

19 A. **Yes.**

20 Q. And then -- okay. What happens next?

21 A. So Ramon -- we call Ramon over. I want to
22 say we called Ramon over to figure out what was
23 going on. At this point -- because I don't think
24 Ramon drew it --

25 Q. Okay.

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1 **threatened to kill him?**

2 Q. Yeah.

3 **A. Is that the one?**

4 Q. Yeah.

5 **A. Okay.**

6 Q. You were aware of that --

7 **A. I was aware of that situation, yes.**

8 Q. You were also aware that Owen had
9 complained previously that Ramon Martinez had
10 threatened him, correct?

11 **A. I do not recall that.**

12 Q. Okay. Now, in addition to you, Owen also
had other supervisors; is that correct?

14 **A. It would have been Ramon.**

15 Q. Ramon Martinez?

16 **A. And Israel, the swing shift.**

17 Q. Okay.

18 **A. Because I want to say Owen worked from**
19 6:00 to 6:00.

20 Q. Yeah.

21 **A. So he fell on to two different shifts.**

22 Q. Okay. So because Owen worked 6:00 to 6:00,
23 he had multiple supervisors; is that correct?

24 **A. Correct.**

25 Q. And those supervisors included yourself; is

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1 Q. That you painted --

2 A. -- that I painted for the students.

3 Q. Okay. So you told the students that it was
4 a great place to work, but you really felt it was a
5 prison?

6 A. I told them it's a great place to work for
7 engineers.

8 Q. Okay.

9 A. I tell everybody that.

10 Q. Okay. And I -- I guess I'll circle back on
11 that.

12 Do you remember anybody who had -- anybody
13 specific who had the swastika tattoos that you were
14 testifying about?

15 A. I don't know his name.

16 Q. Okay.

17 A. I remember being -- it was -- I think I
18 spoke to one of my coworkers. I was, like, "Man, we
19 have some skinheads here." Yeah. But I saw him in
20 passing. He walked by, and I was looking at his --
21 he has a full head of tattoos, not just -- not just
22 the swastika, but a full head of tattoos. I was,
23 like, how is that even allowed here.

24 Q. Tattoos?

25 A. No. Just -- well, not tattoos. Everyone

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1 has tattoos, right? But just, like, taken aback
2 that that was going unchecked.

3 Q. The tattoos on the head?

4 **A. The vulgarity of the tattoos on the head.**

5 Q. Did you ever complain about that to
6 anybody?

7 **A. At this point, no, because I was well aware**
8 **of the situation I was in.**

9 Q. Did you complain about the tattoos to
10 anybody else ever?

11 **A. Not -- just conversation. Just**
12 **conversation.**

13 Q. Okay.

14 **A. Not, like, "Oh, I can't believe this is**
15 **happening," no.**

16 Q. Do you remember who you had conversations
17 about the head tattoos with, or any tattoos?

18 **A. No.**

19 Q. Okay. Was it someone in HR?

20 **A. No, not at all.**

21 Q. And then you also mentioned, as part of
22 your description of Tesla as a prison, that they
23 wore pants around the ankles.

24 **A. Yes.**

25 Q. Would that be a problem if someone was

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1 STATE OF CALIFORNIA)
2) ss
3 COUNTY OF CALAVERAS)

4 I hereby certify that the witness in the
5 foregoing deposition of MICHAEL JOHN WHEELER was by
6 me duly sworn to testify to the truth, the whole
7 truth, and nothing but the truth in the
8 within-entitled cause; that said deposition was taken
9 at the time and place herein named; that the
10 deposition is a true record of the witness's
11 testimony as reported by me, a duly certified
12 shorthand reporter and a disinterested person, and
13 was thereafter transcribed into typewriting by
14 computer.

15 I further certify that I am not interested
16 in the outcome of the said action, nor connected
17 with, nor related to any of the parties in said
18 action, nor to their respective counsel.

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand this 24th day of June, 2019.

21

22

23

24 MELINDA M. SELLERS, CSR NO. 10686

25 STATE OF CALIFORNIA

Exhibit

9

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO COURTHOUSE

DEMETRIC DI-AZ, OWEN DIAZ and
LAMAR PATTERSON,

Plaintiffs,
vs.

TESLA, INC. DBA TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES,
INC.; NEXTSOURCE, INC.,

Defendants.

Case No. 3:17-cv-06748-WHO
*[Removed from Alameda Superior Court,
Case No. RG17878854]*

**DEFENDANT NEXTSOURCE, INC.'S
RESPONSE TO PLAINTIFF OWEN
DIAZ'S REQUEST FOR PRODUCTION
OF DOCUMENTS – SET ONE**

PROPOUNDING PARTY: PLAINTIFF, OWEN DIAZ

RESPONDING PARTY: DEFENDANT, NEXTSOURCE, INC.

SET NUMBER: ONE

Pursuant to Rule 34 of Federal Rules of Civil Procedure, Defendant NEXTSOURCE,
INC. (“Defendant”) responds to Plaintiff OWEN DIAZ’s Request for Production of Documents
(Set No. One) (the “Request”) as follows:

PRELIMINARY STATEMENT

2 1. The responses/objections herein are made solely for the purpose of this action.
3 Defendant reserves all objections or other questions as to the competency, relevance, materiality,
4 privilege or admissibility as evidence in any subsequent proceeding or trial of this or any other
5 action for any purpose whatsoever of its responses herein and any document or thing identified
6 or provided in response to the Request.

7 2. Defendant's response is governed by Rule 34 of Federal Rules of Civil Procedure
8 and other applicable law, and not by the instructions, definitions or other prefatory remarks stated
9 in the Request.

10 3. The responses below are based upon information presently available to Defendant
11 and upon documents known to be in its possession, custody or control. No incidental or implied
12 admissions are intended. The fact that Defendant has responded to all or any part of any
13 individual request or any subpart thereof should not be taken as an admission that Defendant
14 accepts or admits the existence of any fact or facts set forth or assumed by such request or that
15 such responses constitute admissible evidence. The fact that Defendant has responded to all or
16 part of any individual request or subpart thereof is not intended to be and shall not be construed
17 to be a waiver by Defendant of all or any part of any objection which is made to any individual
18 request or subpart thereof.

19 Subject to the foregoing, Defendant hereby responds to specific Requests as follows:

RESPONSE TO REQUEST FOR PRODUCTION

21 | **REQUEST FOR PRODUCTION NO. 1**

22 || Please produce PLAINTIFF's personnel file.

23 RESPONSE TO REQUEST FOR PRODUCTION NO. 1

24 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
25 vague and ambiguous, including, but not limited to, its use of the phrase “personnel file.”
26 Defendant further objects to this request as burdensome, oppressive and harassing to the extent
27 that it seeks documents not relevant to any party’s claims or defenses or that are not proportional
28 to the needs of this case. Defendant objects to this request on the grounds that Plaintiff was not

1 an employee of Defendant, and this request is therefore inapplicable to Defendant.

2 **REQUEST FOR PRODUCTION NO. 2**

3 Please produce all DOCUMENTS, including COMMUNICATIONS, which RELATE
4 TO, reflect, refer, or discuss Plaintiff's job performance during his employment at the TESLA
5 FACTORY (in responding to this request, the term "COMMUNICATIONS" shall include, but
6 is not limited to, e-mails, text messages, chat logs, messages sent via mobile phone application
7 [including, though not limited to, Line, WhatsApp, or Signal], or messages and posts sent via
8 social media sites [including, though not limited to, Facebook, Twitter, Instagram, or Snapchat].)

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2**

10 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
11 vague and ambiguous, including, but not limited to, its use of the phrase "Plaintiff's job
12 performance during his employment at the TESLA FACTORY." Defendant further objects to
13 this request as burdensome, oppressive and harassing to the extent that it seeks documents not
14 relevant to any party's claims or defenses or that are not proportional to the needs of this case,
15 especially given that this request seeks the production of all documents that "RELATE TO,
16 reflect, refer or discuss Plaintiff's job performance." Defendant objects to this request to the extent
17 it seeks the production of electronically stored information (including, but not limited to
18 emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in
19 proportion to the claims in this action. Defendant also objects to this request to the extent that it
20 seeks documents protected by the attorney-client privilege, the attorney work product doctrine
21 and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this
22 request to the extent it seeks the production of documents that are equally available to Plaintiff.
23 Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant
24 and this request is therefore inapplicable to Defendant.

25 Subject to and without waiving objections, Defendant responds: Subject to and without
26 waiving its objections, Defendant responds: Defendant will produce responsive documents in its
27 possession, custody and control, if any, to the extent they can be located. Discovery is continuing,
28 and Defendant reserves its right to supplement its response to this request.

1 **REQUEST FOR PRODUCTION NO. 3**

2 Please produce all DOCUMENTS RELATING TO PLAINTIFF's job duties and
 3 responsibilities for each position held by PLAINTIFF at TESLA.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3**

5 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 6 vague and ambiguous, including, but not limited to, its use of the phrase "job duties and
 7 responsibilities for each position held by PLAINTIFF at TESLA." Defendant further objects to
 8 this request as burdensome, oppressive and harassing to the extent that it seeks documents not
 9 relevant to any party's claims or defenses or that are not proportional to the needs of this case,
 10 especially given that this request seeks the production of all documents that "RELATING TO
 11 PLAINTIFF'S job duties and responsibilities." Defendant objects to this request to the extent it
 12 seeks the production of electronically stored information (including, but not limited to emails,
 13 texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to
 14 the claims in this action. Defendant also objects to this request to the extent that it seeks
 15 documents protected by the attorney-client privilege, the attorney work product doctrine and/or
 16 other privileges, protections, or doctrines of similar effect. Defendant objects to this request to
 17 the extent it seeks the production of documents that are equally available to Plaintiff. Defendant
 18 objects to this request on the grounds that Plaintiff was not an employee of Defendant and this
 19 request is therefore inapplicable to Defendant.

20 **REQUEST FOR PRODUCTION NO. 4**

21 Please produce all DOCUMENTS RELATING TO all complaint(s) made by
 22 PLAINTIFF that he was called "Nigga" and/or "Nigger."

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4**

24 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 25 vague and ambiguous, including, but not limited to, its use of the phrase "all complaint(s) made
 26 by PLAINTIFF that he was called 'Nigga' and/or 'Nigger.'" Defendant further objects to this
 27 request as burdensome, oppressive and harassing to the extent that it seeks documents not
 28 relevant to any party's claims or defenses or that are not proportional to the needs of this case,

1 especially given that this request seeks the production of all documents “RELATING TO” other
 2 documents. Defendant objects to this request to the extent it seeks the production of electronically
 3 stored information (including, but not limited to emails, texts and meta-data) as burdensome,
 4 costly and oppressive in the context of and in proportion to the claims in this action. Defendant
 5 also objects to this request to the extent that it seeks documents protected by the attorney-client
 6 privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of
 7 similar effect. Defendant objects to this request to the extent it seeks the production of documents
 8 that are equally available to Plaintiff. Defendant objects to this request on the grounds that
 9 Plaintiff was not an employee of Defendant and this request is therefore inapplicable to
 10 Defendant.

11 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 12 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 13 in Defendant’s possession, custody or control are responsive to this request. Discovery is
 14 continuing, and Defendant reserves its right to supplement its response to this request.

15 **REQUEST FOR PRODUCTION NO. 5**

16 Please produce all DOCUMENTS RELATING TO any investigation conducted by YOU
 17 regarding Plaintiff’s complaint(s) or allegation(s) that he was called “Nigga” and/or “Nigger.”

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5**

19 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 20 vague and ambiguous, including, but not limited to, its use of the phrase “investigation conducted
 21 by YOU regarding Plaintiff’s complaint(s) or allegations(s) that he was called ‘Nigga’ and/or
 22 ‘Nigger.’” Defendant further objects to this request as burdensome, oppressive and harassing to
 23 the extent that it seeks documents not relevant to any party’s claims or defenses or that are not
 24 proportional to the needs of this case, especially given that this request seeks the production of
 25 all documents “RELATING TO” other documents. Defendant objects to this request on the
 26 grounds that it is overbroad, vague and ambiguous as to time. Defendant objects to this request
 27 to the extent it seeks the production of electronically stored information (including, but not
 28 limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of

1 and in proportion to the claims in this action. Defendant also objects to this request to the extent
 2 that it seeks documents protected by the attorney-client privilege, the attorney work product
 3 doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to
 4 this request to the extent it calls for documents that are protected from disclosure by third party
 5 privacy rights under the Federal and California constitutions and applicable statutes. Defendant
 6 objects to this request to the extent it seeks the production of documents that are equally available
 7 to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an employee
 8 of Defendant and this request is therefore inapplicable to Defendant.

9 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 10 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 11 in Defendant's possession, custody or control are responsive to this request. Discovery is
 12 continuing, and Defendant reserves its right to supplement its response to this request.

13 **REQUEST FOR PRODUCTION NO. 6**

14 Please produce any and all statements from employees who were interviewed regarding
 15 PLAINTIFF's complaint(s) or allegation(s) that he was called "Nigga" and/or "Nigger."

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6**

17 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 18 vague and ambiguous, including, but not limited to, its use of the term "statements" and the
 19 phrase "any and all statements from employees who were interviewed by YOU regarding
 20 PLAINTIFF's complaint(s) or allegations(s) that he was called 'Nigga' and/or 'Nigger.'" Defendant
 21 further objects to this request as burdensome, oppressive and harassing to the extent
 22 that it seeks documents not relevant to any party's claims or defenses or that are not proportional
 23 to the needs of this case. Defendant objects to this request on the grounds that it is overbroad,
 24 vague and ambiguous as to time. Defendant also objects to this request to the extent that it seeks
 25 documents protected by the attorney-client privilege, the attorney work product doctrine and/or
 26 other privileges, protections, or doctrines of similar effect. Defendant objects to this request to
 27 the extent it calls for documents that are protected from disclosure by third party privacy rights
 28 under the Federal and California constitutions and applicable statutes. Defendant objects to this

1 request on the grounds that Plaintiff was not an employee of Defendant and this request is
2 therefore inapplicable to Defendant.

3 Subject to and without waiving its objections, Defendant responds: Despite a diligent
4 search and reasonable inquiry Defendant, cannot comply with this request because no documents
5 in Defendant's possession, custody or control are responsive to this request. Discovery is
6 continuing, and Defendant reserves its right to supplement its response to this request.

7 **REQUEST FOR PRODUCTION NO. 7**

8 Please produce the investigator's notes that were created in response to PLAINTIFF's
9 complaint(s) or allegation(s) that he was called "Nigga" and/or "Nigger."

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7**

11 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
12 vague and ambiguous, including, but not limited to, its use of the phrase "the investigator's notes
13 that were created in response to PLAINTIFF's complaint(s) or allegations(s) that he was called
14 'Nigga' and/or 'Nigger.'" Defendant further objects to this request as burdensome, oppressive
15 and harassing to the extent that it seeks documents not relevant to any party's claims or defenses
16 or that are not proportional to the needs of this case. Defendant objects to this request on the
17 grounds that it is overbroad, vague and ambiguous as to time. Defendant also objects to this
18 request to the extent that it seeks documents protected by the attorney-client privilege, the
19 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
20 Defendant objects to this request to the extent it calls for documents that are protected from
21 disclosure by third party privacy rights under the Federal and California constitutions and
22 applicable statutes. Defendant objects to this request on the grounds that Plaintiff was not an
23 employee of Defendant and this request is therefore inapplicable to Defendant.

24 Subject to and without waiving its objections, Defendant responds: Despite a diligent
25 search and reasonable inquiry Defendant, cannot comply with this request because no documents
26 in Defendant's possession, custody or control are responsive to this request. Discovery is
27 continuing, and Defendant reserves its right to supplement its response to this request.

28 ///

1 **REQUEST FOR PRODUCTION NO. 8**

2 Please produce all DOCUMENTS RELATING TO all complaint(s) made by
3 PLAINTIFF regarding “racially offensive remarks”, including (though not limited to) the
4 “racially offensive remarks” discussed at the previously produced document Bates- stamped
5 TESLA-0000511.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8**

7 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
8 vague and ambiguous, including, but not limited to, its use of the phrase “complaint(s) made by
9 PLAINTIFF regarding ‘racially offensive remarks’.” Defendant further objects to this request
10 as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any
11 party’s claims or defenses or that are not proportional to the needs of this case, especially given
12 that this request seeks the production of all documents “RELATING TO” other documents.
13 Defendant objects to this request on the grounds that it is overbroad, vague and ambiguous as to
14 time. Defendant objects to this request to the extent it seeks the production of electronically stored
15 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and
16 oppressive in the context of and in proportion to the claims in this action. Defendant also objects
17 to this request to the extent that it seeks documents protected by the attorney-client privilege, the
18 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
19 Defendant objects to this request to the extent it calls for documents that are protected from
20 disclosure by third party privacy rights under the Federal and California constitutions and
21 applicable statutes. Defendant objects to this request to the extent it seeks the production of
22 documents that are equally available to Plaintiff. Defendant objects to this request on the grounds
23 that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to
24 Defendant.

25 Subject to and without waiving its objections, Defendant responds: Despite a diligent
26 search and reasonable inquiry Defendant, cannot comply with this request because no documents
27 in Defendant’s possession, custody or control are responsive to this request. Discovery is
28 continuing, and Defendant reserves its right to supplement its response to this request.

1 **REQUEST FOR PRODUCTION NO. 9**

2 Please produce all DOCUMENTS RELATING TO any investigation conducted by YOU
 3 regarding Plaintiff's complaint(s) or allegation(s) regarding "racially offensive remarks",
 4 including (though not limited to) the "racially offensive remarks" discussed at the previously
 5 produced document Bates – stamped TESLA-0000511.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9**

7 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 8 vague and ambiguous, including, but not limited to, its use of the phrase "investigation conducted
 9 by YOU regarding Plaintiff's complaint(s) or allegation(s) regarding 'racially offensive
 10 remarks'." Defendant further objects to this request as burdensome, oppressive and harassing to
 11 the extent that it seeks documents not relevant to any party's claims or defenses or that are not
 12 proportional to the needs of this case, especially given that this request seeks the production of
 13 all documents "RELATING TO" other documents. Defendant objects to this request on the
 14 grounds that it is overbroad, vague and ambiguous as to time. Defendant objects to this request
 15 to the extent it seeks the production of electronically stored information (including, but not
 16 limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of
 17 and in proportion to the claims in this action. Defendant also objects to this request to the extent
 18 that it seeks documents protected by the attorney-client privilege, the attorney work product
 19 doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to
 20 this request to the extent it calls for documents that are protected from disclosure by third party
 21 privacy rights under the Federal and California constitutions and applicable statutes. Defendant
 22 objects to this request to the extent it seeks the production of documents that are equally available
 23 to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an employee
 24 of Defendant and this request is therefore inapplicable to Defendant.

25 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 26 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 27 in Defendant's possession, custody or control are responsive to this request. Discovery is
 28 continuing, and Defendant reserves its right to supplement its response to this request.

1 **REQUEST FOR PRODUCTION NO. 10**

2 Please produce any and all statements from employees who were interviewed regarding
 3 PLAINTIFF's complaint(s) or allegation(s) regarding "racially offensive remarks", including
 4 (though not limited to) the "racially offensive remarks" discussed at the previously produced
 5 document Bates- stamped TESLA-0000511.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10**

7 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 8 vague and ambiguous, including, but not limited to, its use of the term "statements" and the
 9 phrase "PLAINTIFF's complaint(s) or allegation(s) regarding 'racially offensive remarks'."
 10 Defendant further objects to this request as burdensome, oppressive and harassing to the extent
 11 that it seeks documents not relevant to any party's claims or defenses or that are not proportional
 12 to the needs of this case. Defendant objects to this request on the grounds that it is overbroad,
 13 vague and ambiguous as to time. Defendant objects to this request to the extent it seeks the
 14 production of electronically stored information (including, but not limited to emails, texts and
 15 meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims
 16 in this action. Defendant also objects to this request to the extent that it seeks documents protected
 17 by the attorney-client privilege, the attorney work product doctrine and/or other privileges,
 18 protections, or doctrines of similar effect. Defendant objects to this request to the extent it seeks
 19 documents that are private, confidential, business sensitive and/or protected as a trade secret.
 20 Defendant objects to this request to the extent it calls for documents that are protected from
 21 disclosure by third party privacy rights under the Federal and California constitutions and
 22 applicable statutes. Defendant objects to this request to the extent it seeks the production of
 23 documents that are equally available to Plaintiff. Defendant objects to this request on the grounds
 24 that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to
 25 Defendant.

26 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 27 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 28 in Defendant's possession, custody or control are responsive to this request. Discovery is

1 continuing, and Defendant reserves its right to supplement its response to this request.

2 **REQUEST FOR PRODUCTION NO. 11**

3 Please produce the investigator's notes that were created in response to PLAINTIFF's
4 complaint(s) or allegation(s) regarding "racially offensive remarks", including (though not
5 limited to) the "racially offensive remarks" discussed at the previously produced document
6 Bates- stamped TESLA-0000511.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11**

8 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
9 vague and ambiguous, including, but not limited to, its use of the phrase "the investigator's notes
10 that were created in response to PLAINTIFF's complaint(s) or allegation(s) regarding 'racially
11 offensive remarks'." Defendant further objects to this request as burdensome, oppressive and
12 harassing to the extent that it seeks documents not relevant to any party's claims or defenses or
13 that are not proportional to the needs of this case. Defendant objects to this request on the grounds
14 that it is overbroad, vague and ambiguous as to time. Defendant objects to this request to the
15 extent it seeks the production of electronically stored information (including, but not limited to
16 emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in
17 proportion to the claims in this action. Defendant also objects to this request to the extent that it
18 seeks documents protected by the attorney-client privilege, the attorney work product doctrine
19 and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this
20 request to the extent it calls for documents that are protected from disclosure by third party
21 privacy rights under the Federal and California constitutions and applicable statutes. Defendant
22 objects to this request to the extent it seeks the production of documents that are equally available
23 to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an employee
24 of Defendant and this request is therefore inapplicable to Defendant.

25 Subject to and without waiving its objections, Defendant responds: Despite a diligent
26 search and reasonable inquiry Defendant, cannot comply with this request because no documents
27 in Defendant's possession, custody or control are responsive to this request. Discovery is
28 continuing, and Defendant reserves its right to supplement its response to this request.

1 **REQUEST FOR PRODUCTION NO. 12**

2 Please produce all DOCUMENTS RELATING TO all complaint(s) made by
 3 PLAINTIFF that he was called a “jiggaboo”.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12**

5 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 6 vague and ambiguous, including, but not limited to, its use of the phrase “complaint(s) made by
 7 PLAINTIFF that he was called a ‘jiggaboo’.” Defendant further objects to this request as
 8 burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any
 9 party’s claims or defenses or that are not proportional to the needs of this case, especially given
 10 that this request seeks the production of all documents “RELATING TO” other documents.
 11 Defendant objects to this request on the grounds that it is overbroad, vague and ambiguous as to
 12 time. Defendant objects to this request to the extent it seeks the production of electronically stored
 13 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and
 14 oppressive in the context of and in proportion to the claims in this action. Defendant also objects
 15 to this request to the extent that it seeks documents protected by the attorney-client privilege, the
 16 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
 17 Defendant objects to this request to the extent it calls for documents that are protected from
 18 disclosure by third party privacy rights under the Federal and California constitutions and
 19 applicable statutes. Defendant objects to this request to the extent it seeks the production of
 20 documents that are equally available to Plaintiff. Defendant objects to this request on the grounds
 21 that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to
 22 Defendant.

23 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 24 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 25 in Defendant’s possession, custody or control are responsive to this request. Discovery is
 26 continuing, and Defendant reserves its right to supplement its response to this request.

27 **REQUEST FOR PRODUCTION NO. 13**

28 Please produce all DOCUMENTS RELATING TO any investigation conducted by YOU

1 regarding Plaintiff's complaint(s) or allegation(s) that he was called a "jiggaboo".

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13**

3 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
4 vague and ambiguous, including, but not limited to, its use of the phrase "investigation conducted
5 by YOU regarding Plaintiff's complaint(s) or allegation(s) that he was called a 'jiggaboo'."
6 Defendant further objects to this request as burdensome, oppressive and harassing to the extent
7 that it seeks documents not relevant to any party's claims or defenses or that are not proportional
8 to the needs of this case, especially given that this request seeks the production of all documents
9 "RELATING TO" other documents. Defendant objects to this request on the grounds that it is
10 overbroad, vague and ambiguous as to time. Defendant objects to this request to the extent it
11 seeks the production of electronically stored information (including, but not limited to emails,
12 texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to
13 the claims in this action. Defendant also objects to this request to the extent that it seeks
14 documents protected by the attorney-client privilege, the attorney work product doctrine and/or
15 other privileges, protections, or doctrines of similar effect. Defendant objects to this request to
16 the extent it calls for documents that are protected from disclosure by third party privacy rights
17 under the Federal and California constitutions and applicable statutes. Defendant objects to this
18 request to the extent it seeks the production of documents that are equally available to Plaintiff.
19 Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant
20 and this request is therefore inapplicable to Defendant.

21 Subject to and without waiving its objections, Defendant responds: Despite a diligent
22 search and reasonable inquiry Defendant, cannot comply with this request because no documents
23 in Defendant's possession, custody or control are responsive to this request. Discovery is
24 continuing, and Defendant reserves its right to supplement its response to this request.

25 **REQUEST FOR PRODUCTION NO. 14**

26 Please produce any and all statements from employees who were interviewed regarding
27 PLAINTIFF's complaint(s) or allegation(s) that he was called a "jiggaboo".

28 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14**

1 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 2 vague and ambiguous, including, but not limited to, its use of the term “statements” and the
 3 phrase “PLAINTIFF’s complaint(s) or allegation(s) that he was called a ‘jiggaboo’.” Defendant
 4 further objects to this request as burdensome, oppressive and harassing to the extent that it seeks
 5 documents not relevant to any party’s claims or defenses or that are not proportional to the needs
 6 of this case. Defendant objects to this request on the grounds that it is overbroad, vague and
 7 ambiguous as to time. Defendant objects to this request to the extent it seeks the production of
 8 electronically stored information (including, but not limited to emails, texts and meta-data) as
 9 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
 10 Defendant also objects to this request to the extent that it seeks documents protected by the
 11 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,
 12 or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents
 13 that are protected from disclosure by third party privacy rights under the Federal and California
 14 constitutions and applicable statutes. Defendant objects to this request to the extent it seeks the
 15 production of documents that are equally available to Plaintiff. Defendant objects to this request
 16 on the grounds that Plaintiff was not an employee of Defendant and this request is therefore
 17 inapplicable to Defendant.

18 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 19 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 20 in Defendant’s possession, custody or control are responsive to this request. Discovery is
 21 continuing, and Defendant reserves its right to supplement its response to this request.

22 **REQUEST FOR PRODUCTION NO. 15**

23 Please produce the investigator’s notes that were created in response to PLAINTIFF’s
 24 complaint(s) or allegation(s) that he was called a “jiggaboo”.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15**

26 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 27 vague and ambiguous, including, but not limited to, its use of the phrase “the investigator’s notes
 28 that were created in response to PLAINTIFF’s complaint(s) or allegation(s) that he was called a

1 ‘jiggaboo.’.” Defendant further objects to this request as burdensome, oppressive and harassing
 2 to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not
 3 proportional to the needs of this case, especially given that this request seeks the production of
 4 all documents “RELATING TO” other documents. Defendant objects to this request on the
 5 grounds that it is overbroad, vague and ambiguous as to time. Defendant objects to this request
 6 to the extent it seeks the production of electronically stored information (including, but not
 7 limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of
 8 and in proportion to the claims in this action. Defendant also objects to this request to the extent
 9 that it seeks documents protected by the attorney-client privilege, the attorney work product
 10 doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to
 11 this request to the extent it calls for documents that are protected from disclosure by third party
 12 privacy rights under the Federal and California constitutions and applicable statutes. Defendant
 13 objects to this request to the extent it seeks the production of documents that are equally available
 14 to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an employee
 15 of Defendant and this request is therefore inapplicable to Defendant.

16 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 17 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 18 in Defendant’s possession, custody or control are responsive to this request. Discovery is
 19 continuing, and Defendant reserves its right to supplement its response to this request.

20 **REQUEST FOR PRODUCTION NO. 16**

21 Please produce all DOCUMENTS RELATING TO all complaint(s) made by
 22 PLAINTIFF that he was called a “porch monkey”.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16**

24 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 25 vague and ambiguous, including, but not limited to, its use of the phrase “complaint(s) made by
 26 PLAINTIFF that he was called a ‘porch monkey.’.” Defendant further objects to this request as
 27 burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any
 28 party’s claims or defenses or that are not proportional to the needs of this case, especially given

1 that this request seeks the production of all documents “RELATING TO” other documents.
 2 Defendant objects to this request on the grounds that it is overbroad, vague and ambiguous as to
 3 time. Defendant objects to this request to the extent it seeks the production of electronically stored
 4 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and
 5 oppressive in the context of and in proportion to the claims in this action. Defendant also objects
 6 to this request to the extent that it seeks documents protected by the attorney-client privilege, the
 7 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
 8 Defendant objects to this request to the extent it calls for documents that are protected from
 9 disclosure by third party privacy rights under the Federal and California constitutions and
 10 applicable statutes. Defendant objects to this request to the extent it seeks the production of
 11 documents that are equally available to Plaintiff. Defendant objects to this request on the grounds
 12 that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to
 13 Defendant.

14 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 15 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 16 in Defendant’s possession, custody or control are responsive to this request. Discovery is
 17 continuing, and Defendant reserves its right to supplement its response to this request.

18 **REQUEST FOR PRODUCTION NO. 17**

19 Please produce all DOCUMENTS RELATING TO any investigation conducted by YOU
 20 regarding Plaintiff’s complaint(s) or allegation(s) that he was called a “porch monkey”.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17**

22 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 23 vague and ambiguous, including, but not limited to, its use of the phrase “investigation conducted
 24 by YOU regarding Plaintiff’s complaint(s) or allegation(s) that he was called a ‘porch monkey’.”
 25 Defendant further objects to this request as burdensome, oppressive and harassing to the extent
 26 that it seeks documents not relevant to any party’s claims or defenses or that are not proportional
 27 to the needs of this case, especially given that this request seeks the production of all documents
 28 “RELATING TO” other documents. Defendant objects to this request on the grounds that it is

1 overbroad, vague and ambiguous as to time. Defendant objects to this request to the extent it
 2 seeks the production of electronically stored information (including, but not limited to emails,
 3 texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to
 4 the claims in this action. Defendant also objects to this request to the extent that it seeks
 5 documents protected by the attorney-client privilege, the attorney work product doctrine and/or
 6 other privileges, protections, or doctrines of similar effect. Defendant objects to this request to
 7 the extent it calls for documents that are protected from disclosure by third party privacy rights
 8 under the Federal and California constitutions and applicable statutes. Defendant objects to this
 9 request to the extent it seeks the production of documents that are equally available to Plaintiff.
 10 Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant
 11 and this request is therefore inapplicable to Defendant.

12 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 13 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 14 in Defendant's possession, custody or control are responsive to this request. Discovery is
 15 continuing, and Defendant reserves its right to supplement its response to this request.

16 **REQUEST FOR PRODUCTION NO. 18**

17 Please produce any and all statements from employees who were interviewed regarding
 18 PLAINTIFF's complaint(s) or allegation(s) that he was called a "porch monkey".

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18**

20 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 21 vague and ambiguous, including, but not limited to, its use of the term "statements" and the
 22 phrase "PLAINTIFF's complaint(s) or allegation(s) that he was called a 'porch monkey'."
 23 Defendant further objects to this request as burdensome, oppressive and harassing to the extent
 24 that it seeks documents not relevant to any party's claims or defenses or that are not proportional
 25 to the needs of this case. Defendant objects to this request on the grounds that it is overbroad,
 26 vague and ambiguous as to time. Defendant objects to this request to the extent it seeks the
 27 production of electronically stored information (including, but not limited to emails, texts and
 28 meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims

1 in this action. Defendant also objects to this request to the extent that it seeks documents
 2 protected by the attorney-client privilege, the attorney work product doctrine and/or other
 3 privileges, protections, or doctrines of similar effect. Defendant objects to this request to the
 4 extent it calls for documents that are protected from disclosure by third party privacy rights under
 5 the Federal and California constitutions and applicable statutes. Defendant objects to this request
 6 to the extent it seeks the production of documents that are equally available to Plaintiff.
 7 Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant
 8 and this request is therefore inapplicable to Defendant.

9 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 10 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 11 in Defendant's possession, custody or control are responsive to this request. Discovery is
 12 continuing, and Defendant reserves its right to supplement its response to this request.

13 **REQUEST FOR PRODUCTION NO. 19**

14 Please produce the investigator's notes that were created in response to PLAINTIFF's
 15 complaint(s) or allegation(s) that he was called a "porch monkey".

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19**

17 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 18 vague and ambiguous, including, but not limited to, its use of the phrase "the investigator's notes
 19 that were created in response to PLAINTIFF's complaint(s) or allegation(s) that he was called a
 20 'porch monkey'." Defendant further objects to this request as burdensome, oppressive and
 21 harassing to the extent that it seeks documents not relevant to any party's claims or defenses or
 22 that are not proportional to the needs of this case. Defendant objects to this request on the grounds
 23 that it is overbroad, vague and ambiguous as to time. Defendant objects to this request to the
 24 extent it seeks the production of electronically stored information (including, but not limited to
 25 emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in
 26 proportion to the claims in this action. Defendant also objects to this request to the extent that it
 27 seeks documents protected by the attorney-client privilege, the attorney work product doctrine
 28 and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this

1 request to the extent it calls for documents that are protected from disclosure by third party
 2 privacy rights under the Federal and California constitutions and applicable statutes. Defendant
 3 objects to this request to the extent it seeks the production of documents that are equally available
 4 to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an employee
 5 of Defendant and this request is therefore inapplicable to Defendant.

6 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 7 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 8 in Defendant's possession, custody or control are responsive to this request. Discovery is
 9 continuing, and Defendant reserves its right to supplement its response to this request.

10 **REQUEST FOR PRODUCTION NO. 20**

11 Please produce all DOCUMENTS RELATING TO all complaint(s) made by
 12 PLAINTIFF that he was called a "mayate".

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20**

14 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 15 vague and ambiguous, including, but not limited to, its use of the phrase "complaint(s) made by
 16 PLAINTIFF that he was called a 'mayate'." Defendant further objects to this request as
 17 burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any
 18 party's claims or defenses or that are not proportional to the needs of this case, especially given
 19 that this request seeks the production of all documents "RELATING TO" other documents.
 20 Defendant objects to this request on the grounds that it is overbroad, vague and ambiguous as to
 21 time. Defendant objects to this request to the extent it seeks the production of electronically stored
 22 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and
 23 oppressive in the context of and in proportion to the claims in this action. Defendant also objects
 24 to this request to the extent that it seeks documents protected by the attorney-client privilege, the
 25 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
 26 Defendant objects to this request to the extent it calls for documents that are protected from
 27 disclosure by third party privacy rights under the Federal and California constitutions and
 28 applicable statutes. Defendant objects to this request to the extent it seeks the production of

1 documents that are equally available to Plaintiff. Defendant objects to this request on the grounds
 2 that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to
 3 Defendant.

4 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 5 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 6 in Defendant's possession, custody or control are responsive to this request. Discovery is
 7 continuing, and Defendant reserves its right to supplement its response to this request.

8 **REQUEST FOR PRODUCTION NO. 21**

9 Please produce all DOCUMENTS RELATING TO any investigation conducted by YOU
 10 regarding Plaintiff's complaint(s) or allegation(s) that he was called a "mayate".

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21**

12 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 13 vague and ambiguous, including, but not limited to, its use of the phrase "investigation conducted
 14 by YOU regarding Plaintiff's complaint(s) or allegation(s) that he was called a 'mayate.'" Defendant
 15 further objects to this request as burdensome, oppressive and harassing to the extent
 16 that it seeks documents not relevant to any party's claims or defenses or that are not proportional
 17 to the needs of this case, especially given that this request seeks the production of all documents
 18 "RELATING TO" other documents. Defendant objects to this request on the grounds that it is
 19 overbroad, vague and ambiguous as to time. Defendant objects to this request to the extent it
 20 seeks the production of electronically stored information (including, but not limited to emails,
 21 texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to
 22 the claims in this action. Defendant also objects to this request to the extent that it seeks
 23 documents protected by the attorney-client privilege, the attorney work product doctrine and/or
 24 other privileges, protections, or doctrines of similar effect. Defendant objects to this request to
 25 the extent it calls for documents that are protected from disclosure by third party privacy rights
 26 under the Federal and California constitutions and applicable statutes. Defendant objects to this
 27 request to the extent it seeks the production of documents that are equally available to Plaintiff.
 28 Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant

1 and this request is therefore inapplicable to Defendant.

2 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 3 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 4 in Defendant's possession, custody or control are responsive to this request. Discovery is
 5 continuing, and Defendant reserves its right to supplement its response to this request.

6 **REQUEST FOR PRODUCTION NO. 22**

7 Please produce any and all statements from employees who were interviewed regarding
 8 PLAINTIFF's complaint(s) or allegation(s) that he was called a "mayate".

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22**

10 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 11 vague and ambiguous, including, but not limited to, its use of the term "statements" and the
 12 phrase "PLAINTIFF's complaint(s) or allegation(s) that he was called a 'mayate'." Defendant
 13 further objects to this request as burdensome, oppressive and harassing to the extent that it seeks
 14 documents not relevant to any party's claims or defenses or that are not proportional to the needs
 15 of this case. Defendant objects to this request on the grounds that it is overbroad, vague and
 16 ambiguous as to time. Defendant objects to this request to the extent it seeks the production of
 17 electronically stored information (including, but not limited to emails, texts and meta-data) as
 18 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
 19 Defendant also objects to this request to the extent that it seeks documents protected by the
 20 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,
 21 or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents
 22 that are protected from disclosure by third party privacy rights under the Federal and California
 23 constitutions and applicable statutes. Defendant objects to this request to the extent it seeks the
 24 production of documents that are equally available to Plaintiff. Defendant objects to this request
 25 on the grounds that Plaintiff was not an employee of Defendant and this request is therefore
 26 inapplicable to Defendant.

27 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 28 search and reasonable inquiry Defendant, cannot comply with this request because no documents

1 in Defendant's possession, custody or control are responsive to this request. Discovery is
 2 continuing, and Defendant reserves its right to supplement its response to this request.

3 **REQUEST FOR PRODUCTION NO. 23**

4 Please produce the investigator's notes that were created in response to PLAINTIFF's
 5 complaint(s) or allegation(s) that he was called a "mayate".

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23**

7 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 8 vague and ambiguous, including, but not limited to, its use of the phrase "the investigator's notes
 9 that were created in response to PLAINTIFF's complaint(s) or allegation(s) that he was called a
 10 'mayate'." Defendant further objects to this request as burdensome, oppressive and harassing to
 11 the extent that it seeks documents not relevant to any party's claims or defenses or that are not
 12 proportional to the needs of this case. Defendant objects to this request on the grounds that it is
 13 overbroad, vague and ambiguous as to time. Defendant objects to this request to the extent it
 14 seeks the production of electronically stored information (including, but not limited to emails,
 15 texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to
 16 the claims in this action. Defendant also objects to this request to the extent that it seeks
 17 documents protected by the attorney-client privilege, the attorney work product doctrine and/or
 18 other privileges, protections, or doctrines of similar effect. Defendant objects to this request to
 19 the extent it calls for documents that are protected from disclosure by third party privacy rights
 20 under the Federal and California constitutions and applicable statutes. Defendant objects to this
 21 request to the extent it seeks the production of documents that are equally available to Plaintiff.
 22 Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant
 23 and this request is therefore inapplicable to Defendant.

24 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 25 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 26 in Defendant's possession, custody or control are responsive to this request. Discovery is
 27 continuing, and Defendant reserves its right to supplement its response to this request.

28 ///

1 **REQUEST FOR PRODUCTION NO. 24**

2 Please produce all DOCUMENTS RELATING TO all complaint(s) made by
 3 PLAINTIFF that he was called a “mono”.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24**

5 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 6 vague and ambiguous, including, but not limited to, its use of the phrase “complaint(s) made by
 7 PLAINTIFF that he was called a ‘mono’.” Defendant further objects to this request as
 8 burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any
 9 party’s claims or defenses or that are not proportional to the needs of this case, especially given
 10 that this request seeks the production of all documents “RELATING TO” other documents.
 11 Defendant objects to this request on the grounds that it is overbroad, vague and ambiguous as to
 12 time. Defendant objects to this request to the extent it seeks the production of electronically stored
 13 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and
 14 oppressive in the context of and in proportion to the claims in this action. Defendant also objects
 15 to this request to the extent that it seeks documents protected by the attorney-client privilege, the
 16 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
 17 Defendant objects to this request to the extent it calls for documents that are protected from
 18 disclosure by third party privacy rights under the Federal and California constitutions and
 19 applicable statutes. Defendant objects to this request to the extent it seeks the production of
 20 documents that are equally available to Plaintiff. Defendant objects to this request on the grounds
 21 that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to
 22 Defendant.

23 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 24 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 25 in Defendant’s possession, custody or control are responsive to this request. Discovery is
 26 continuing, and Defendant reserves its right to supplement its response to this request.

27 **REQUEST FOR PRODUCTION NO. 25**

28 Please produce all DOCUMENTS RELATING TO any investigation conducted by YOU

1 regarding Plaintiff's complaint(s) or allegation(s) that he was called a "mono".

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25**

3 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 4 vague and ambiguous, including, but not limited to, its use of the phrase "investigation conducted
 5 by YOU regarding Plaintiff's complaint(s) or allegation(s) that he was called a 'mono'."
 6 Defendant further objects to this request as burdensome, oppressive and harassing to the extent
 7 that it seeks documents not relevant to any party's claims or defenses or that are not proportional
 8 to the needs of this case. Defendant objects to this request on the grounds that it is overbroad,
 9 vague and ambiguous as to time. Defendant objects to this request to the extent it seeks the
 10 production of electronically stored information (including, but not limited to emails, texts and
 11 meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims
 12 in this action. Defendant also objects to this request to the extent that it seeks documents
 13 protected by the attorney-client privilege, the attorney work product doctrine and/or other
 14 privileges, protections, or doctrines of similar effect. Defendant objects to this request to the
 15 extent it calls for documents that are protected from disclosure by third party privacy rights under
 16 the Federal and California constitutions and applicable statutes. Defendant objects to this request
 17 to the extent it seeks the production of documents that are equally available to Plaintiff.
 18 Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant
 19 and this request is therefore inapplicable to Defendant.

20 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 21 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 22 in Defendant's possession, custody or control are responsive to this request. Discovery is
 23 continuing, and Defendant reserves its right to supplement its response to this request.

24 **REQUEST FOR PRODUCTION NO. 26**

25 Please produce any and all statements from employees who were interviewed regarding
 26 PLAINTIFF's complaint(s) or allegation(s) that he was called a "mono".

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26**

28 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,

1 vague and ambiguous, including, but not limited to, its use of the term “statements” and the
 2 phrase “PLAINTIFF’s complaint(s) or allegation(s) that he was called a ‘mono’.” Defendant
 3 further objects to this request as burdensome, oppressive and harassing to the extent that it seeks
 4 documents not relevant to any party’s claims or defenses or that are not proportional to the needs
 5 of this case. Defendant objects to this request on the grounds that it is overbroad, vague and
 6 ambiguous as to time. Defendant objects to this request to the extent it seeks the production of
 7 electronically stored information (including, but not limited to emails, texts and meta-data) as
 8 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
 9 Defendant also objects to this request to the extent that it seeks documents protected by the
 10 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,
 11 or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents
 12 that are protected from disclosure by third party privacy rights under the Federal and California
 13 constitutions and applicable statutes. Defendant objects to this request to the extent it seeks the
 14 production of documents that are equally available to Plaintiff. Defendant objects to this request
 15 on the grounds that Plaintiff was not an employee of Defendant and this request is therefore
 16 inapplicable to Defendant.

17 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 18 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 19 in Defendant’s possession, custody or control are responsive to this request. Discovery is
 20 continuing, and Defendant reserves its right to supplement its response to this request.

21 **REQUEST FOR PRODUCTION NO. 27**

22 Please produce the investigator’s notes that were created in response to PLAINTIFF’s
 23 complaint(s) or allegation(s) that he was called a “mono”.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27**

25 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 26 vague and ambiguous, including, but not limited to, its use of the phrase “the investigator’s notes
 27 that were created in response to PLAINTIFF’s complaint(s) or allegation(s) that he was called a
 28 ‘mono’.” Defendant further objects to this request as burdensome, oppressive and harassing to

1 the extent that it seeks documents not relevant to any party's claims or defenses or that are not
 2 proportional to the needs of this case. Defendant objects to this request on the grounds that it is
 3 overbroad, vague and ambiguous as to time. Defendant objects to this request to the extent it
 4 seeks the production of electronically stored information (including, but not limited to emails,
 5 texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to
 6 the claims in this action. Defendant also objects to this request to the extent that it seeks
 7 documents protected by the attorney-client privilege, the attorney work product doctrine and/or
 8 other privileges, protections, or doctrines of similar effect. Defendant objects to this request to
 9 the extent it calls for documents that are protected from disclosure by third party privacy rights
 10 under the Federal and California constitutions and applicable statutes. Defendant objects to this
 11 request to the extent it seeks the production of documents that are equally available to Plaintiff.
 12 Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant
 13 and this request is therefore inapplicable to Defendant.

14 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 15 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 16 in Defendant's possession, custody or control are responsive to this request. Discovery is
 17 continuing, and Defendant reserves its right to supplement its response to this request.

18 **REQUEST FOR PRODUCTION NO. 28**

19 Please produce all DOCUMENTS RELATING TO PLAINTIFF's complaints about Judy
 20 Timbreza.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28**

22 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 23 vague and ambiguous, including, but not limited to, its use of the phrase "PLAINTIFF's
 24 complaints about Judy Timbreza." Defendant further objects to this request as burdensome,
 25 oppressive and harassing to the extent that it seeks documents not relevant to any party's claims
 26 or defenses or that are not proportional to the needs of this case, especially given that this request
 27 seeks the production of all documents "RELATING TO" other documents. Defendant objects to
 28 this request on the grounds that it is overbroad, vague and ambiguous as to time. Defendant

1 objects to this request to the extent it seeks the production of electronically stored information
 2 (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive
 3 in the context of and in proportion to the claims in this action. Defendant also objects to this
 4 request to the extent that it seeks documents protected by the attorney-client privilege, the
 5 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
 6 Defendant objects to this request to the extent it calls for documents that are protected from
 7 disclosure by third party privacy rights under the Federal and California constitutions and
 8 applicable statutes. Defendant objects to this request to the extent it seeks the production of
 9 documents that are equally available to Plaintiff. Defendant objects to this request on the grounds
 10 that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to
 11 Defendant.

12 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 13 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 14 in Defendant's possession, custody or control are responsive to this request. Discovery is
 15 continuing, and Defendant reserves its right to supplement its response to this request.

16 **REQUEST FOR PRODUCTION NO. 29**

17 Please produce all DOCUMENTS RELATING TO any investigation conducted by YOU
 18 regarding Plaintiff's complaints about Judy Timbreza.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29**

20 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 21 vague and ambiguous, including, but not limited to, its use of the phrase "investigation conducted
 22 by YOU regarding Plaintiff's complaints about Judy Timbreza." Defendant further objects to
 23 this request as burdensome, oppressive and harassing to the extent that it seeks documents not
 24 relevant to any party's claims or defenses or that are not proportional to the needs of this case,
 25 especially given that this request seeks the production of all documents "RELATING TO" other
 26 documents. Defendant objects to this request on the grounds that it is overbroad, vague and
 27 ambiguous as to time. Defendant objects to this request to the extent it seeks the production of
 28 electronically stored information (including, but not limited to emails, texts and meta-data) as

1 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
 2 Defendant also objects to this request to the extent that it seeks documents protected by the
 3 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,
 4 or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents
 5 that are protected from disclosure by third party privacy rights under the Federal and California
 6 constitutions and applicable statutes. Defendant objects to this request to the extent it seeks the
 7 production of documents that are equally available to Plaintiff. Defendant objects to this request
 8 on the grounds that Plaintiff was not an employee of Defendant and this request is therefore
 9 inapplicable to Defendant.

10 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 11 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 12 in Defendant's possession, custody or control are responsive to this request. Discovery is
 13 continuing, and Defendant reserves its right to supplement its response to this request.

14 **REQUEST FOR PRODUCTION NO. 30**

15 Please produce any and all statements from employees who were interviewed regarding
 16 PLAINTIFF's complaints about Judy Timbreza.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30**

18 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 19 vague and ambiguous, including, but not limited to, its use of the term "statements" and the
 20 phrase "PLAINTIFF's complaints about Judy Timbreza." Defendant further objects to this
 21 request as burdensome, oppressive and harassing to the extent that it seeks documents not
 22 relevant to any party's claims or defenses or that are not proportional to the needs of this case.
 23 Defendant objects to this request on the grounds that it is overbroad, vague and ambiguous as to
 24 time. Defendant objects to this request to the extent it seeks the production of electronically stored
 25 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and
 26 oppressive in the context of and in proportion to the claims in this action. Defendant also objects
 27 to this request to the extent that it seeks documents protected by the attorney-client privilege, the
 28 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.

1 Defendant objects to this request to the extent it calls for documents that are protected from
 2 disclosure by third party privacy rights under the Federal and California constitutions and
 3 applicable statutes. Defendant objects to this request to the extent it seeks the production of
 4 documents that are equally available to Plaintiff. Defendant objects to this request on the grounds
 5 that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to
 6 Defendant.

7 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 8 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 9 in Defendant's possession, custody or control are responsive to this request. Discovery is
 10 continuing, and Defendant reserves its right to supplement its response to this request.

11 **REQUEST FOR PRODUCTION NO. 31**

12 Please produce all DOCUMENTS RELATING TO PLAINTIFF's complaints about
 13 Ramon Martinez.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31**

15 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 16 vague and ambiguous, including, but not limited to, its use of the phrase "PLAINTIFF's
 17 complaints about Ramon Martinez." Defendant further objects to this request as burdensome,
 18 oppressive and harassing to the extent that it seeks documents not relevant to any party's claims
 19 or defenses or that are not proportional to the needs of this case, especially given that this request
 20 seeks the production of all documents "RELATING TO" other documents. Defendant objects to
 21 this request on the grounds that it is overbroad, vague and ambiguous as to time. Defendant
 22 objects to this request to the extent it seeks the production of electronically stored information
 23 (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive
 24 in the context of and in proportion to the claims in this action. Defendant also objects to this
 25 request to the extent that it seeks documents protected by the attorney-client privilege, the
 26 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
 27 Defendant objects to this request to the extent it calls for documents that are protected from
 28 disclosure by third party privacy rights under the Federal and California constitutions and

1 applicable statutes. Defendant objects to this request to the extent it seeks the production of
 2 documents that are equally available to Plaintiff. Defendant objects to this request on the grounds
 3 that neither Plaintiff nor Ramon Martinez was an employee of Defendant and this request is
 4 therefore inapplicable to Defendant.

5 Subject to and without waiving objections, Defendant responds: Subject to and without
 6 waiving its objections, Defendant responds: Defendant will produce responsive documents in its
 7 possession, custody and control, if any, to the extent they can be located. Discovery is continuing,
 8 and Defendant reserves its right to supplement its response to this request.

9 **REQUEST FOR PRODUCTION NO. 32**

10 Please produce all DOCUMENTS RELATING TO any investigation conducted by YOU
 11 regarding Plaintiff's complaints about Ramon Martinez.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32**

13 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 14 vague and ambiguous, including, but not limited to, its use of the phrase "investigation conducted
 15 by YOU regarding Plaintiff's complaints about Ramon Martinez." Defendant further objects to
 16 this request as burdensome, oppressive and harassing to the extent that it seeks documents not
 17 relevant to any party's claims or defenses or that are not proportional to the needs of this case,
 18 especially given that this request seeks the production of all documents "RELATING TO" other
 19 documents. Defendant objects to this request on the grounds that it is overbroad, vague and
 20 ambiguous as to time. Defendant objects to this request to the extent it seeks the production of
 21 electronically stored information (including, but not limited to emails, texts and meta-data) as
 22 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
 23 Defendant also objects to this request to the extent that it seeks documents protected by the
 24 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,
 25 or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents
 26 that are protected from disclosure by third party privacy rights under the Federal and California
 27 constitutions and applicable statutes. Defendant objects to this request to the extent it seeks the
 28 production of documents that are equally available to Plaintiff. Defendant objects to this request

1 on the grounds that neither Plaintiff nor Ramon Martinez was an employee of Defendant and this
2 request is therefore inapplicable to Defendant.

3 Subject to and without waiving objections, Defendant responds: Subject to and without
4 waiving its objections, Defendant responds: Defendant will produce responsive documents in its
5 possession, custody and control, if any, to the extent they can be located. Discovery is continuing,
6 and Defendant reserves its right to supplement its response to this request.

7 **REQUEST FOR PRODUCTION NO. 33**

8 Please produce any and all statements from employees who were interviewed regarding
9 PLAINTIFF's complaints about Ramon Martinez.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33**

11 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
12 vague and ambiguous, including, but not limited to, its use of the term "statements" and the
13 phrase "PLAINTIFF's complaints about Ramon Martine." Defendant further objects to this
14 request as burdensome, oppressive and harassing to the extent that it seeks documents not
15 relevant to any party's claims or defenses or that are not proportional to the needs of this case.
16 Defendant objects to this request on the grounds that it is overbroad, vague and ambiguous as to
17 time. Defendant objects to this request to the extent it seeks the production of electronically stored
18 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and
19 oppressive in the context of and in proportion to the claims in this action. Defendant also objects
20 to this request to the extent that it seeks documents protected by the attorney-client privilege, the
21 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
22 Defendant objects to this request to the extent it calls for documents that are protected from
23 disclosure by third party privacy rights under the Federal and California constitutions and
24 applicable statutes. Defendant objects to this request to the extent it seeks the production of
25 documents that are equally available to Plaintiff. Defendant objects to this request on the grounds
26 that neither Plaintiff nor Ramon Martinez was an employee of Defendant and this request is
27 therefore inapplicable to Defendant.

28 ///

1 Subject to and without waiving objections, Defendant responds: Subject to and without
 2 waiving its objections, Defendant responds: Defendant will produce responsive documents in its
 3 possession, custody and control, if any, to the extent they can be located. Discovery is continuing,
 4 and Defendant reserves its right to supplement its response to this request.

5 **REQUEST FOR PRODUCTION NO. 34**

6 Please produce the investigator's notes that were created in response to PLAINTIFF's
 7 complaints about Ramon Martinez.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34**

9 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 10 vague and ambiguous, including, but not limited to, its use of the phrase "the investigator's notes
 11 that were created in response to PLAINTIFF's complaints about Ramon Martinez." Defendant
 12 further objects to this request as burdensome, oppressive and harassing to the extent that it seeks
 13 documents not relevant to any party's claims or defenses or that are not proportional to the needs
 14 of this case. Defendant objects to this request on the grounds that it is overbroad, vague and
 15 ambiguous as to time. Defendant objects to this request to the extent it seeks the production of
 16 electronically stored information (including, but not limited to emails, texts and meta-data) as
 17 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
 18 Defendant also objects to this request to the extent that it seeks documents protected by the
 19 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,
 20 or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents
 21 that are protected from disclosure by third party privacy rights under the Federal and California
 22 constitutions and applicable statutes. Defendant objects to this request to the extent it seeks the
 23 production of documents that are equally available to Plaintiff. Defendant objects to this request
 24 on the grounds that neither Plaintiff nor Ramon Martinez was an employee of Defendant and this
 25 request is therefore inapplicable to Defendant.

26 Subject to and without waiving objections, Defendant responds: Subject to and without
 27 waiving its objections, Defendant responds: Defendant will produce responsive documents in its
 28 possession, custody and control, if any, to the extent they can be located. Discovery is continuing,

1 and Defendant reserves its right to supplement its response to this request.

2 **REQUEST FOR PRODUCTION NO. 35**

3 Please produce all DOCUMENTS RELATING TO PLAINTIFF's complaint about the
4 racist effigy drawing at the TESLA FACTORY.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35**

6 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
7 vague and ambiguous, including, but not limited to, its use of the phrase "PLAINTIFF's
8 complaint about the racist effigy drawing." Defendant further objects to this request as
9 burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any
10 party's claims or defenses or that are not proportional to the needs of this case, especially given
11 that this request seeks the production of all documents "RELATING TO" other documents.
12 Defendant objects to this request to the extent it seeks the production of electronically stored
13 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and
14 oppressive in the context of and in proportion to the claims in this action. Defendant also objects
15 to this request to the extent that it seeks documents protected by the attorney-client privilege, the
16 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
17 Defendant objects to this request to the extent it calls for documents that are protected from
18 disclosure by third party privacy rights under the Federal and California constitutions and
19 applicable statutes. Defendant objects to this request to the extent it seeks the production of
20 documents that are equally available to Plaintiff. Defendant objects to this request on the grounds
21 that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to
22 Defendant.

23 Subject to and without waiving objections, Defendant responds: Subject to and without
24 waiving its objections, Defendant responds: Defendant will produce responsive documents in its
25 possession, custody and control, if any, to the extent they can be located. Discovery is continuing,
26 and Defendant reserves its right to supplement its response to this request.

27 **REQUEST FOR PRODUCTION NO. 36**

28 Please produce all DOCUMENTS RELATING TO any investigation conducted by YOU

1 regarding PLAINTIFF's complaint about the racist effigy drawing at the TESLA FACTORY.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36**

3 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
4 vague and ambiguous, including, but not limited to, its use of the phrase "investigation conducted
5 by YOU regarding PLAINTIFF's complaint about the racist effigy drawing." Defendant further
6 objects to this request as burdensome, oppressive and harassing to the extent that it seeks
7 documents not relevant to any party's claims or defenses or that are not proportional to the needs
8 of this case, especially given that this request seeks the production of all documents "RELATING
9 TO" other documents. Defendant objects to this request to the extent it seeks the production of
10 electronically stored information (including, but not limited to emails, texts and meta-data) as
11 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
12 Defendant also objects to this request to the extent that it seeks documents protected by the
13 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,
14 or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents
15 that are protected from disclosure by third party privacy rights under the Federal and California
16 constitutions and applicable statutes. Defendant objects to this request to the extent it seeks the
17 production of documents that are equally available to Plaintiff. Defendant objects to this request
18 on the grounds that Plaintiff was not an employee of Defendant and this request is therefore
19 inapplicable to Defendant.

20 Subject to and without waiving objections, Defendant responds: Subject to and without
21 waiving its objections, Defendant responds: Defendant will produce responsive documents in its
22 possession, custody and control, if any, to the extent they can be located. Discovery is continuing,
23 and Defendant reserves its right to supplement its response to this request.

24 **REQUEST FOR PRODUCTION NO. 37**

25 Please produce any and all statements from employees who were interviewed regarding
26 PLAINTIFF's complaint about the racist effigy drawing at the TESLA FACTORY.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37**

28 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,

1 vague and ambiguous, including, but not limited to, its use of the term “statements” and the
 2 phrase “PLAINTIFF’s complaint about the racist effigy drawing.” Defendant further objects to
 3 this request as burdensome, oppressive and harassing to the extent that it seeks documents not
 4 relevant to any party’s claims or defenses or that are not proportional to the needs of this case.
 5 Defendant objects to this request to the extent it seeks the production of electronically stored
 6 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and
 7 oppressive in the context of and in proportion to the claims in this action. Defendant also objects
 8 to this request to the extent that it seeks documents protected by the attorney-client privilege, the
 9 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
 10 Defendant objects to this request to the extent it calls for documents that are protected from
 11 disclosure by third party privacy rights under the Federal and California constitutions and
 12 applicable statutes. Defendant objects to this request to the extent it seeks the production of
 13 documents that are equally available to Plaintiff. Defendant objects to this request on the grounds
 14 that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to
 15 Defendant.

16 Subject to and without waiving objections, Defendant responds: Subject to and without
 17 waiving its objections, Defendant responds: Defendant will produce responsive documents in its
 18 possession, custody and control, if any, to the extent they can be located. Discovery is continuing,
 19 and Defendant reserves its right to supplement its response to this request.

20 **REQUEST FOR PRODUCTION NO. 38**

21 Please produce the investigator’s notes that were created in response to PLAINTIFF’s
 22 complaint about the racist effigy drawing at the TESLA FACTORY.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38**

24 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 25 vague and ambiguous, including, but not limited to, its use of the phrase “the investigator’s notes
 26 that were created in response to PLAINTIFF’s complaint about the racist effigy drawing.”
 27 Defendant further objects to this request as burdensome, oppressive and harassing to the extent
 28 that it seeks documents not relevant to any party’s claims or defenses or that are not proportional

1 to the needs of this case. Defendant objects to this request to the extent it seeks the production of
 2 electronically stored information (including, but not limited to emails, texts and meta-data) as
 3 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
 4 Defendant also objects to this request to the extent that it seeks documents protected by the
 5 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,
 6 or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents
 7 that are protected from disclosure by third party privacy rights under the Federal and California
 8 constitutions and applicable statutes. Defendant objects to this request to the extent it seeks the
 9 production of documents that are equally available to Plaintiff. Defendant objects to this request
 10 on the grounds that Plaintiff was not an employee of Defendant and this request is therefore
 11 inapplicable to Defendant.

12 Subject to and without waiving objections, Defendant responds: Subject to and without
 13 waiving its objections, Defendant responds: Defendant will produce responsive documents in its
 14 possession, custody and control, if any, to the extent they can be located. Discovery is continuing,
 15 and Defendant reserves its right to supplement its response to this request.

16 **REQUEST FOR PRODUCTION NO. 39**

17 Please produce any photographs or images that YOU collected when investigating
 18 PLAINTIFF's complaint about the racist effigy drawing at the TESLA FACTORY.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39**

20 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 21 vague and ambiguous, including, but not limited to, its use of the phrase "photographs or images
 22 that YOU collected when investigating PLAINTIFF's complaint about the racist effigy drawing."
 23 Defendant further objects to this request as burdensome, oppressive and harassing to the extent
 24 that it seeks documents not relevant to any party's claims or defenses or that are not proportional
 25 to the needs of this case. Defendant objects to this request to the extent it seeks the production of
 26 electronically stored information (including, but not limited to emails, texts and meta-data) as
 27 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
 28 Defendant also objects to this request to the extent that it seeks documents protected by the

1 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,
 2 or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents
 3 that are protected from disclosure by third party privacy rights under the Federal and California
 4 constitutions and applicable statutes. Defendant objects to this request to the extent it seeks the
 5 production of documents that are equally available to Plaintiff. Defendant objects to this request
 6 on the grounds that Plaintiff was not an employee of Defendant and this request is therefore
 7 inapplicable to Defendant.

8 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 9 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 10 in Defendant's possession, custody or control are responsive to this request. Discovery is
 11 continuing, and Defendant reserves its right to supplement its response to this request.

REQUEST FOR PRODUCTION NO. 40

13 Please produce all DOCUMENTS RELATING TO all complaint(s) made by any
 14 employee, contractor and/or agent about the use of RACIAL SLURS at the TESLA FACTORY
 15 from 2012 to present. (For the purposes of responding to this request for production, the phrase
 16 "RACIAL SLURS" shall include, but is not limited to, the terms "nigger", "nigga", "ninga", or
 17 any variant thereof; "porch monkey"; "monkey"; or "jiggaboo". The term shall also encompass
 18 equivalent words in Spanish, including, though not limited to, "negrito", "negrita", "mono", and
 19 "mayate".)

RESPONSE TO REQUEST FOR PRODUCTION NO. 40

21 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 22 vague and ambiguous, including, but not limited to, its use of the phrases "complaint(s) made by
 23 any employee, contractor and/or agent about the use of RACIAL SLURS," "nigger", 'nigga',
 24 'ninga', or any variant thereof," and "equivalent words in Spanish, including, though not limited
 25 to, 'negrito', 'negrita', 'mono', and 'mayate'." Defendant further objects to this request as
 26 burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any
 27 party's claims or defenses or that are not proportional to the needs of this case, especially given
 28 that this request seeks the production of all documents "RELATING TO" other documents and

1 seeks the production of documents unrelated to Plaintiff and during periods when Plaintiff did
 2 not work at Tesla. The request impermissibly seeks “me too” evidence that is not relevant to the
 3 claims and defenses in this case. Defendant objects to this request to the extent it seeks the
 4 production of electronically stored information (including, but not limited to emails, texts and
 5 meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims
 6 in this action. Defendant also objects to this request to the extent that it seeks documents
 7 protected by the attorney-client privilege, the attorney work product doctrine and/or other
 8 privileges, protections, or doctrines of similar effect. Defendant objects to this request to the
 9 extent it calls for documents that are protected from disclosure by third party privacy rights under
 10 the Federal and California constitutions and applicable statutes.

11 **REQUEST FOR PRODUCTION NO. 41**

12 Please produce any and all statements from any PERSON who was interviewed regarding
 13 complaint(s) made by any employee, contractor and/or agent about the use of RACIAL SLURS
 14 at the TESLA FACTORY from 2012 to present. (For the purposes of responding to this request
 15 for production, the phrase “RACIAL SLURS” shall include, but is not limited to, the terms
 16 “nigger”, “nigga”, “ninga”, or any variant thereof, “porch monkey”; “monkey”; or “jiggaboo”.
 17 The term shall also encompass equivalent words in Spanish, including, though not limited to,
 18 “negrito”, “negrita”, “mono”, and “mayate”.)

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41**

20 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 21 vague and ambiguous, including, but not limited to, its use of the term “statements” and the
 22 phrases “complaint(s) made by any employee, contractor and/or agent about the use of RACIAL
 23 SLURS,” “‘nigger’, ‘nigga’, ‘ninga’, or any variant thereof,” and “equivalent words in Spanish,
 24 including, though not limited to, ‘negrito’, ‘negrita’, ‘mono’, and ‘mayate’.” Defendant further
 25 objects to this request as burdensome, oppressive and harassing to the extent that it seeks
 26 documents not relevant to any party’s claims or defenses or that are not proportional to the needs
 27 of this case, especially given that this request seeks the production of documents unrelated to
 28 Plaintiff and during periods when Plaintiff did not work at Tesla. The request impermissibly

1 seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant
 2 objects to this request to the extent it seeks the production of electronically stored information
 3 (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive
 4 in the context of and in proportion to the claims in this action. Defendant also objects to this
 5 request to the extent that it seeks documents protected by the attorney-client privilege, the
 6 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
 7 Defendant objects to this request to the extent it calls for documents that are protected from
 8 disclosure by third party privacy rights under the Federal and California constitutions and
 9 applicable statutes.

10 **REQUEST FOR PRODUCTION NO. 42**

11 Please produce the investigator’s notes that were created in response to complaint(s)
 12 made by any employee, contractor and/or agent about the use of RACIAL SLURS at the TESLA
 13 FACTORY from 2012 to present. (For the purposes of responding to this request for production,
 14 the phrase “RACIAL SLURS” shall include, but is not limited to, the terms “nigger”, “nigga”,
 15 “ninga”, or any variant thereof; “porch monkey”; “monkey”; or “jiggaboo”. The term shall also
 16 encompass equivalent words in Spanish, including, though not limited to, “negrito”, “negrita”,
 17 “mono”, and “mayate”.)

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42**

19 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 20 vague and ambiguous, including, but not limited to, its use of the phrases “the investigator’s notes
 21 that were created in response to complaint(s) made by any employee, contractor and/or agent
 22 about the use of RACIAL SLURS,” “‘nigger’, ‘nigga’, ‘ninga’, or any variant thereof,” and
 23 “equivalent words in Spanish, including, though not limited to, ‘negrito’, ‘negrita’, ‘mono’, and
 24 ‘mayate’.” Defendant further objects to this request as burdensome, oppressive and harassing to
 25 the extent that it seeks documents not relevant to any party’s claims or defenses or that are not
 26 proportional to the needs of this case, especially given that this request seeks the production of
 27 documents unrelated to Plaintiff and during periods when Plaintiff did not work at Tesla. The
 28 request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in

1 this case. Defendant objects to this request to the extent it seeks the production of electronically
 2 stored information (including, but not limited to emails, texts and meta-data) as burdensome,
 3 costly and oppressive in the context of and in proportion to the claims in this action. Defendant
 4 also objects to this request to the extent that it seeks documents protected by the attorney-client
 5 privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of
 6 similar effect. Defendant objects to this request to the extent it calls for documents that are
 7 protected from disclosure by third party privacy rights under the Federal and California
 8 constitutions and applicable statutes.

9 **REQUEST FOR PRODUCTION NO. 43**

10 Please produce any photographs, images, or videos that YOU collected in response to
 11 complaint(s) made by any employee, contractor and/or agent about the use of RACIAL SLURS
 12 at the TESLA FACTORY from 2012 to present. (For the purposes of responding to this request
 13 for production, the phrase “RACIAL SLURS” shall include, but is not limited to, the terms
 14 “nigger”, “nigga”, “ninga”, or any variant thereof; “porch monkey”; “monkey”; or “jiggaboo”.
 15 The term shall also encompass equivalent words in Spanish, including, though not limited to,
 16 “negrito”, “negrita”, “mono”, and “mayate”.)

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43**

18 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 19 vague and ambiguous, including, but not limited to, its use of the phrases “photographs, images
 20 or videos that YOU collected in response to complaint(s) made by any employee, contractor
 21 and/or agent about the use of RACIAL SLURS,” “‘nigger’, ‘nigga’, ‘ninga’, or any variant
 22 thereof,” and “equivalent words in Spanish, including, though not limited to, ‘negrito’, ‘negrita’,
 23 ‘mono’, and ‘mayate’.” Defendant further objects to this request as burdensome, oppressive and
 24 harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or
 25 that are not proportional to the needs of this case, especially given that this request seeks the
 26 production of documents unrelated to Plaintiff and during periods when Plaintiff did not work at
 27 Tesla. The request impermissibly seeks “me too” evidence that is not relevant to the claims and
 28 defenses in this case. Defendant objects to this request to the extent it seeks the production of

1 electronically stored information (including, but not limited to emails, texts and meta-data) as
 2 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
 3 Defendant also objects to this request to the extent that it seeks documents protected by the
 4 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,
 5 or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents
 6 that are protected from disclosure by third party privacy rights under the Federal and California
 7 constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 44

9 Please produce all DOCUMENTS RELATING TO any discipline imposed as a result of
 10 any complaint(s) made by any employee, contractor and/or agent about the use of RACIAL
 11 SLURS at the TESLA FACTORY from 2012 to present. (For the purposes of responding to this
 12 request for production, the phrase “RACIAL SLURS” shall include, but is not limited to, the
 13 terms “nigger”, “nigga”, “ninga”, or any variant thereof; “porch monkey”; “monkey”; or
 14 “jiggaboo”. The term shall also encompass equivalent words in Spanish, including, though not
 15 limited to, “negrito”, “negrita”, “mono”, and “mayate”.)

RESPONSE TO REQUEST FOR PRODUCTION NO. 44

17 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 18 vague and ambiguous, including, but not limited to, its use of the phrases “discipline imposed as
 19 a result of complaint(s) made by any employee, contractor and/or agent about the use of RACIAL
 20 SLURS,” “‘nigger’, ‘nigga’, ‘ninga’, or any variant thereof,” and “equivalent words in Spanish,
 21 including, though not limited to, ‘negrito’, ‘negrita’, ‘mono’, and ‘mayate’.” Defendant further
 22 objects to this request as burdensome, oppressive and harassing to the extent that it seeks
 23 documents not relevant to any party’s claims or defenses or that are not proportional to the needs
 24 of this case, especially given that this request seeks the production of all documents “RELATING
 25 TO” other documents and seeks the production of documents unrelated to Plaintiff and during
 26 periods when Plaintiff did not work at Tesla. The request impermissibly seeks “me too” evidence
 27 that is not relevant to the claims and defenses in this case. Defendant objects to this request to
 28 the extent it seeks the production of electronically stored information (including, but not limited

1 to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in
 2 proportion to the claims in this action. Defendant also objects to this request to the extent that it
 3 seeks documents protected by the attorney-client privilege, the attorney work product doctrine
 4 and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this
 5 request to the extent it calls for documents that are protected from disclosure by third party
 6 privacy rights under the Federal and California constitutions and applicable statutes.

7 **REQUEST FOR PRODUCTION NO. 45**

8 Please produce all DOCUMENTS RELATING TO all complaint(s) made any employee,
 9 contractor and/or agent about SYMBOLS AND SLOGANS OF WHITE SUPREMACIST
 10 HATE GROUPS at the TESLA FACTORY from 2012 to present. (For the purposes of
 11 responding to this request for production, the phrase “SYMBOLS AND SLOGANS OF WHITE
 12 SUPREMACIST HATE GROUPS” shall include, but is not limited to, symbols such as a
 13 swastika, flaming cross, “88”, the confederate flag, twin lightning bolts, the “iron cross”, or the
 14 “Nazi eagle”; and slogans including “white power” or “fourteen words”.)

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 45**

16 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 17 vague and ambiguous, including, but not limited to, its use of the phrases “complaint(s) made
 18 any employee, contractor and/or agent about SYMBOLS AND SLOGANS OF WHITE
 19 SUPREMACIST HATE GROUPS,” “SYMBOLS AND SLOGANS OF WHITE
 20 SUPREMACIST HATE GROUPS’ shall include, but is not limited to, symbols such as a
 21 swastika, flaming cross, ‘88’, the confederate flag, twin lightning bolts, the ‘iron cross’, or the
 22 ‘Nazi eagle,’ and “slogans including ‘white power’ or ‘fourteen words.’” Defendant further
 23 objects to this request as burdensome, oppressive and harassing to the extent that it seeks
 24 documents not relevant to any party’s claims or defenses or that are not proportional to the needs
 25 of this case, especially given that this request seeks the production of all documents “RELATING
 26 TO” other documents and seeks the production of documents unrelated to Plaintiff and during
 27 periods when Plaintiff did not work at Tesla. The request impermissibly seeks “me too” evidence
 28 that is not relevant to the claims and defenses in this case. Defendant objects to this request to

1 the extent it seeks the production of electronically stored information (including, but not limited
 2 to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in
 3 proportion to the claims in this action. Defendant also objects to this request to the extent that it
 4 seeks documents protected by the attorney-client privilege, the attorney work product doctrine
 5 and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this
 6 request to the extent it calls for documents that are protected from disclosure by third party
 7 privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 46

9 Please produce any and all statements from any PERSON who was interviewed regarding
 10 complaint(s) made by any employee, contractor and/or agent about SYMBOLS AND SLOGANS
 11 OF WHITE SUPREMIST HATE GROUPS at the TESLA FACTORY from 2012 to present.
 12 (For the purposes of responding to this request for production, the phrase “SYMBOLS AND
 13 SLOGANS OF WHITE SUPREMIST HATE GROUPS” shall include, but is not limited to,
 14 symbols such as a swastika, flaming cross, “88”, the confederate flag, twin lightning bolts, the
 15 “iron cross”, or the “Nazi eagle”; and slogans including “white power” or “fourteen words”.)

RESPONSE TO REQUEST FOR PRODUCTION NO. 46

17 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 18 vague and ambiguous, including, but not limited to, its use of the term “statements” and the
 19 phrases “complaint(s) made any employee, contractor and/or agent about SYMBOLS AND
 20 SLOGANS OF WHITE SUPREMIST HATE GROUPS,” “SYMBOLS AND SLOGANS
 21 OF WHITE SUPREMIST HATE GROUPS’ shall include, but is not limited to, symbols such
 22 as a swastika, flaming cross, ‘88’, the confederate flag, twin lightning bolts, the ‘iron cross’, or
 23 the ‘Nazi eagle’,” and “slogans including ‘white power’ or ‘fourteen words’.” Defendant further
 24 objects to this request as burdensome, oppressive and harassing to the extent that it seeks
 25 documents not relevant to any party’s claims or defenses or that are not proportional to the needs
 26 of this case, especially given that this request seeks the production of documents unrelated to
 27 Plaintiff and during periods when Plaintiff did not work at Tesla. The request impermissibly
 28 seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant

1 objects to this request to the extent it seeks the production of electronically stored information
 2 (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive
 3 in the context of and in proportion to the claims in this action. Defendant also objects to this
 4 request to the extent that it seeks documents protected by the attorney-client privilege, the
 5 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
 6 Defendant objects to this request to the extent it calls for documents that are protected from
 7 disclosure by third party privacy rights under the Federal and California constitutions and
 8 applicable statutes.

9 **REQUEST FOR PRODUCTION NO. 47**

10 Please produce the investigator's notes that were created in response to complaint(s)
 11 made by any employee, contractor and/or agent about SYMBOLS AND SLOGANS OF WHITE
 12 SUPREMATIC HATE GROUPS at the TESLA FACTORY from 2012 to present. (For the
 13 purposes of responding to this request for production, the phrase "SYMBOLS AND SLOGANS
 14 OF WHITE SUPREMATIC HATE GROUPS" shall include, but is not limited to, symbols such
 15 as a swastika, flaming cross, "88", the confederate flag, twin lightning bolts, the "iron cross", or
 16 the "Nazi eagle"; and slogans including "white power" or "fourteen words".)

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 47**

18 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 19 vague and ambiguous, including, but not limited to, its use of the phrases "the investigator's notes
 20 that were created in response to complaint(s) made any employee, contractor and/or agent about
 21 SYMBOLS AND SLOGANS OF WHITE SUPREMATIC HATE GROUPS," "SYMBOLS
 22 AND SLOGANS OF WHITE SUPREMATIC HATE GROUPS' shall include, but is not
 23 limited to, symbols such as a swastika, flaming cross, '88', the confederate flag, twin lightning
 24 bolts, the 'iron cross', or the 'Nazi eagle'," and "slogans including 'white power' or 'fourteen
 25 words'." Defendant further objects to this request as burdensome, oppressive and harassing to
 26 the extent that it seeks documents not relevant to any party's claims or defenses or that are not
 27 proportional to the needs of this case, especially given that this request seeks the production of
 28 documents unrelated to Plaintiff and during periods when Plaintiff did not work at Tesla. The

1 request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in
 2 this case. Defendant objects to this request to the extent it seeks the production of electronically
 3 stored information (including, but not limited to emails, texts and meta-data) as burdensome,
 4 costly and oppressive in the context of and in proportion to the claims in this action. Defendant
 5 also objects to this request to the extent that it seeks documents protected by the attorney-client
 6 privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of
 7 similar effect. Defendant objects to this request to the extent it calls for documents that are
 8 protected from disclosure by third party privacy rights under the Federal and California
 9 constitutions and applicable statutes.

10 **REQUEST FOR PRODUCTION NO. 48**

11 Please produce any photographs, videos, or images that YOU collected when
 12 investigating complaint(s) made by any employee, contractor and/or agent about SYMBOLS
 13 AND SLOGANS OF WHITE SUPREMACIST HATE GROUPS at the TESLA FACTORY
 14 from 2012 to present. (For the purposes of responding to this request for production, the phrase
 15 “SYMBOLS AND SLOGANS OF WHITE SUPREMACIST HATE GROUPS” shall include,
 16 but is not limited to, symbols such as a swastika, flaming cross, “88”, the confederate flag, twin
 17 lightning bolts, the “iron cross”, or the “Nazi eagle”; and slogans including “white power” or
 18 “fourteen words”.)

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 48**

20 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 21 vague and ambiguous, including, but not limited to, its use of the phrases “photographs, videos
 22 or images that YOU collected when investigating complaint(s) made any employee, contractor
 23 and/or agent about SYMBOLS AND SLOGANS OF WHITE SUPREMACIST HATE
 24 GROUPS,” “SYMBOLS AND SLOGANS OF WHITE SUPREMACIST HATE GROUPS’
 25 shall include, but is not limited to, symbols such as a swastika, flaming cross, ‘88’, the
 26 confederate flag, twin lightning bolts, the ‘iron cross’, or the ‘Nazi eagle,’ and “slogans
 27 including ‘white power’ or ‘fourteen words’.” Defendant further objects to this request as
 28 burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any

1 party's claims or defenses or that are not proportional to the needs of this case, especially given
 2 that this request seeks the production of documents unrelated to Plaintiff and during periods when
 3 Plaintiff did not work at Tesla. The request impermissibly seeks "me too" evidence that is not
 4 relevant to the claims and defenses in this case. Defendant objects to this request to the extent it
 5 seeks the production of electronically stored information (including, but not limited to emails,
 6 texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to
 7 the claims in this action. Defendant also objects to this request to the extent that it seeks
 8 documents protected by the attorney-client privilege, the attorney work product doctrine and/or
 9 other privileges, protections, or doctrines of similar effect. Defendant objects to this request to
 10 the extent it calls for documents that are protected from disclosure by third party privacy rights
 11 under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 49

13 Please produce all DOCUMENTS RELATING TO any discipline imposed as a result of
 14 any complaint(s) made by any employee, contractor and/or agent about SYMBOLS AND
 15 SLOGANS OF WHITE SUPREMATIC HATE GROUPS at the TESLA FACTORY from 2012
 16 to present. (For the purposes of responding to this request for production, the phrase "SYMBOLS
 17 AND SLOGANS OF WHITE SUPREMATIC HATE GROUPS" shall include, but is not
 18 limited to, symbols such as a swastika, flaming cross, "88", the confederate flag, twin lightning
 19 bolts, the "iron cross", or the "Nazi eagle"; and slogans including "white power" or "fourteen
 20 words".)

RESPONSE TO REQUEST FOR PRODUCTION NO. 49

22 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 23 vague and ambiguous, including, but not limited to, its use of the phrases "discipline imposed as
 24 a result of complaint(s) made any employee, contractor and/or agent about SYMBOLS AND
 25 SLOGANS OF WHITE SUPREMATIC HATE GROUPS," "SYMBOLS AND SLOGANS
 26 OF WHITE SUPREMATIC HATE GROUPS' shall include, but is not limited to, symbols such
 27 as a swastika, flaming cross, '88', the confederate flag, twin lightning bolts, the 'iron cross', or
 28 the 'Nazi eagle,'" and "slogans including 'white power' or 'fourteen words'." Defendant further

1 objects to this request as burdensome, oppressive and harassing to the extent that it seeks
 2 documents not relevant to any party's claims or defenses or that are not proportional to the needs
 3 of this case, especially given that this request seeks the production of all documents "RELATING
 4 TO" other documents and seeks the production of documents unrelated to Plaintiff and during
 5 periods when Plaintiff did not work at Tesla. The request impermissibly seeks "me too" evidence
 6 that is not relevant to the claims and defenses in this case. Defendant objects to this request to
 7 the extent it seeks the production of electronically stored information (including, but not limited
 8 to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in
 9 proportion to the claims in this action. Defendant also objects to this request to the extent that it
 10 seeks documents protected by the attorney-client privilege, the attorney work product doctrine
 11 and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this
 12 request to the extent it calls for documents that are protected from disclosure by third party
 13 privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 50

15 Please produce all DOCUMENTS RELATING TO all complaint(s) made any employee,
 16 contractor and/or agent regarding references to slavery or slave labor at the TESLA FACTORY
 17 from 2012 to present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 50

19 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 20 vague and ambiguous, including, but not limited to, its use of the phrase "complaint(s) made any
 21 employee, contractor and/or agent regarding references to slavery or slave labor." Defendant
 22 further objects to this request as burdensome, oppressive and harassing to the extent that it seeks
 23 documents not relevant to any party's claims or defenses or that are not proportional to the needs
 24 of this case, especially given that this request seeks the production of all documents "RELATING
 25 TO" other documents and seeks the production of documents unrelated to Plaintiff and during
 26 periods when Plaintiff did not work at Tesla. The request impermissibly seeks "me too" evidence
 27 that is not relevant to the claims and defenses in this case. Defendant objects to this request to
 28 the extent it seeks the production of electronically stored information (including, but not limited

1 to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in
 2 proportion to the claims in this action. Defendant also objects to this request to the extent that it
 3 seeks documents protected by the attorney-client privilege, the attorney work product doctrine
 4 and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this
 5 request to the extent it calls for documents that are protected from disclosure by third party
 6 privacy rights under the Federal and California constitutions and applicable statutes.

7 **REQUEST FOR PRODUCTION NO. 51**

8 Please produce any and all statements from any PERSON who was interviewed regarding
 9 complaint(s) made by any employee, contractor and/or agent regarding references to slavery or
 10 slave labor at the TESLA FACTORY from 2012 to present.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 51**

12 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 13 vague and ambiguous, including, but not limited to, its use of the term “statements” and the
 14 phrase “complaint(s) made any employee, contractor and/or agent regarding references to slavery
 15 or slave labor.” Defendant further objects to this request as burdensome, oppressive and
 16 harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or
 17 that are not proportional to the needs of this case, especially given that this request seeks the
 18 production of documents unrelated to Plaintiff during periods when Plaintiff did not work at
 19 Tesla. The request impermissibly seeks “me too” evidence that is not relevant to the claims and
 20 defenses in this case. Defendant objects to this request to the extent it seeks the production of
 21 electronically stored information (including, but not limited to emails, texts and meta-data) as
 22 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
 23 Defendant also objects to this request to the extent that it seeks documents protected by the
 24 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,
 25 or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents
 26 that are protected from disclosure by third party privacy rights under the Federal and California
 27 constitutions and applicable statutes.

28 ///

1 **REQUEST FOR PRODUCTION NO. 52**

2 Please produce the investigator's notes that were created in response to complaint(s)
 3 made by any employee, contractor and/or agent regarding references to slavery or slave labor at
 4 the TESLA FACTORY from 2012 to present.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 52**

6 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 7 vague and ambiguous, including, but not limited to, its use of the phrase "the investigator's notes
 8 that were created in response to complaint(s) made any employee, contractor and/or agent
 9 regarding references to slavery or slave labor." Defendant further objects to this request as
 10 burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any
 11 party's claims or defenses or that are not proportional to the needs of this case, especially given
 12 that this request seeks the production of documents unrelated to Plaintiff and during periods when
 13 Plaintiff did not work at Tesla. The request impermissibly seeks "me too" evidence that is not
 14 relevant to the claims and defenses in this case. Defendant objects to this request to the extent it
 15 seeks the production of electronically stored information (including, but not limited to emails,
 16 texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to
 17 the claims in this action. Defendant also objects to this request to the extent that it seeks
 18 documents protected by the attorney-client privilege, the attorney work product doctrine and/or
 19 other privileges, protections, or doctrines of similar effect. Defendant objects to this request to
 20 the extent it calls for documents that are protected from disclosure by third party privacy rights
 21 under the Federal and California constitutions and applicable statutes.

22 **REQUEST FOR PRODUCTION NO. 53**

23 Please produce any photographs, videos, or images that YOU collected when
 24 investigating complaint(s) made by any employee, contractor and/or agent regarding
 25 references to slavery or slave labor at the TESLA FACTORY from 2012 to present.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 53**

27 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 28 vague and ambiguous, including, but not limited to, its use of the phrase "photographs, videos,

1 or images that YOU collected when investigating complaint(s) made any employee, contractor
 2 and/or agent regarding references to slavery or slave labor.” Defendant further objects to this
 3 request as burdensome, oppressive and harassing to the extent that it seeks documents not
 4 relevant to any party’s claims or defenses or that are not proportional to the needs of this case,
 5 especially given that this request seeks the production of documents unrelated to Plaintiff and
 6 during periods when Plaintiff did not work at Tesla. The request impermissibly seeks “me too”
 7 evidence that is not relevant to the claims and defenses in this case. Defendant objects to this
 8 request to the extent it seeks the production of electronically stored information (including, but
 9 not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context
 10 of and in proportion to the claims in this action. Defendant also objects to this request to the
 11 extent that it seeks documents protected by the attorney-client privilege, the attorney work
 12 product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant
 13 objects to this request to the extent it calls for documents that are protected from disclosure by
 14 third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 54

16 Please produce all DOCUMENTS RELATING TO any discipline imposed as a result of
 17 any complaint(s) made by any employee, contractor and/or agent regarding references to slavery
 18 or slave labor at the TESLA FACTORY from 2012 to present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 54

20 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 21 vague and ambiguous, including, but not limited to, its use of the phrase “discipline imposed as
 22 a result of any complaint(s) made any employee, contractor and/or agent regarding references to
 23 slavery or slave labor.” Defendant further objects to this request as burdensome, oppressive and
 24 harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or
 25 that are not proportional to the needs of this case, especially given that this request seeks the
 26 production of all documents “RELATING TO” other documents and seeks the production of
 27 documents unrelated to Plaintiff and during periods when Plaintiff did not work at Tesla. The
 28 request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in

1 this case. Defendant objects to this request to the extent it seeks the production of electronically
 2 stored information (including, but not limited to emails, texts and meta-data) as burdensome,
 3 costly and oppressive in the context of and in proportion to the claims in this action. Defendant
 4 also objects to this request to the extent that it seeks documents protected by the attorney-client
 5 privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of
 6 similar effect. Defendant objects to this request to the extent it calls for documents that are
 7 protected from disclosure by third party privacy rights under the Federal and California
 8 constitutions and applicable statutes.

9 **REQUEST FOR PRODUCTION NO. 55**

10 Please produce all DOCUMENTS RELATING TO all complaint(s) made any employee,
 11 contractor and/or agent regarding RACIALLY OFFENSIVE DRAWINGS OR ARTWORK at
 12 the TESLA FACTORY from 2012 to present. (For the purposes of responding to this request
 13 for production, the phrase “RACIALLY OFFENSIVE DRAWINGS OR ARTWORK” shall
 14 include, though is not limited to, drawings or artwork depicting one or more of the following
 15 items: noose; swastika; flaming cross; “88”; the confederate flag; twin lightning bolts; the “iron
 16 cross”; the “Nazi eagle”; and “pickanniny”- or “golliwog”-style depictions of Black
 17 individuals.)

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 55**

19 Objection. Defendant objects to this request on the grounds that it is overbroad,
 20 uncertain, vague and ambiguous, including, but not limited to, its use of the phrases
 21 “complaint(s) made any employee, contractor and/or agent regarding RACIALLY OFFENSIVE
 22 DRAWINGS OR ARTWORK,” “RACIALLY OFFENSIVE DRAWINGS OR ARTWORK”
 23 shall include, though is not limited to, drawings or artwork depicting one or more of the
 24 following items: noose; swastika; flaming cross; ‘88’; the confederate flag; twin lightning bolts;
 25 the ‘iron cross’; the ‘Nazi eagle’; and ““pickanniny”- or ‘golliwog’-style depictions of Black
 26 individuals.” Defendant further objects to this request as burdensome, oppressive and harassing
 27 to the extent that it seeks documents not relevant to any party’s claims or defenses or that are
 28 not proportional to the needs of this case, especially given that this request seeks the production

1 of all documents “RELATING TO” other documents and seeks the production of documents
 2 unrelated to Plaintiff and during periods when Plaintiff did not work at Tesla. The request
 3 impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this
 4 case. Defendant objects to this request to the extent it seeks the production of electronically
 5 stored information (including, but not limited to emails, texts and meta-data) as burdensome,
 6 costly and oppressive in the context of and in proportion to the claims in this action. Defendant
 7 also objects to this request to the extent that it seeks documents protected by the attorney-client
 8 privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines
 9 of similar effect. Defendant objects to this request to the extent it calls for documents that are
 10 protected from disclosure by third party privacy rights under the Federal and California
 11 constitutions and applicable statutes.

12 **REQUEST FOR PRODUCTION NO. 56**

13 Please produce any and all statements from any PERSON who was interviewed regarding
 14 complaint(s) made by any employee, contractor and/or agent regarding RACIALLY
 15 OFFENSIVE DRAWINGS OR ARTWORK at the TESLA FACTORY from 2012 to present.
 16 (For the purposes of responding to this request for production, the phrase “RACIALLY
 17 OFFENSIVE DRAWINGS OR ARTWORK” shall include, though is not limited to, drawings
 18 or artwork depicting one or more of the following items: noose; swastika; flaming cross; “88”;
 19 the confederate flag; twin lightning bolts; the “iron cross”; the “Nazi eagle”; and “pickanniny”-
 20 or “golliwog”-style depictions of Black individuals.)

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 56**

22 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 23 vague and ambiguous, including, but not limited to, its use of the term “statements” and the
 24 phrases “complaint(s) made any employee, contractor and/or agent regarding RACIALLY
 25 OFFENSIVE DRAWINGS OR ARTWORK,” “RACIALLY OFFENSIVE DRAWINGS OR
 26 ARTWORK’ shall include, though is not limited to, drawings or artwork depicting one or more
 27 of the following items: noose; swastika; flaming cross; ‘88’; the confederate flag; twin lightning
 28 bolts; the ‘iron cross’; the ‘Nazi eagle’,” and ““pickanniny’- or ‘golliwog’-style depictions of

1 Black individuals.” Defendant further objects to this request as burdensome, oppressive and
 2 harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or
 3 that are not proportional to the needs of this case, especially given that this request seeks the
 4 production of documents unrelated to Plaintiff and during periods when Plaintiff did not work at
 5 Tesla. The request impermissibly seeks “me too” evidence that is not relevant to the claims and
 6 defenses in this case. Defendant objects to this request to the extent it seeks the production of
 7 electronically stored information (including, but not limited to emails, texts and meta-data) as
 8 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
 9 Defendant also objects to this request to the extent that it seeks documents protected by the
 10 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,
 11 or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents
 12 that are protected from disclosure by third party privacy rights under the Federal and California
 13 constitutions and applicable statutes.

14 **REQUEST FOR PRODUCTION NO. 57**

15 Please produce the investigator’s notes that were created in response to complaint(s)
 16 made by any employee, contractor and/or agent regarding RACIALLY OFFENSIVE
 17 DRAWINGS OR ARTWORK at the TESLA FACTORY from 2012 to present. (For the purposes
 18 of responding to this request for production, the phrase “RACIALLY OFFENSIVE DRAWINGS
 19 OR ARTWORK” shall include, though is not limited to, drawings or artwork depicting one or
 20 more of the following items: noose; swastika; flaming cross; “88”; the confederate flag; twin
 21 lightning bolts; the “iron cross”; the “Nazi eagle”; and “pickanniny”- or “golliwog”-style
 22 depictions of Black individuals.)

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 57**

24 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 25 vague and ambiguous, including, but not limited to, its use of the phrases “the investigator’s notes
 26 that were created in response to complaint(s) made any employee, contractor and/or agent
 27 regarding RACIALLY OFFENSIVE DRAWINGS OR ARTWORK,” “RACIALLY
 28 OFFENSIVE DRAWINGS OR ARTWORK’ shall include, though is not limited to, drawings or

1 artwork depicting one or more of the following items: noose; swastika; flaming cross; ‘88’; the
 2 confederate flag; twin lightning bolts; the ‘iron cross’; the ‘Nazi eagle,’” and ““pickanniny”- or
 3 ‘golliwog’-style depictions of Black individuals.” Defendant further objects to this request as
 4 burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any
 5 party’s claims or defenses or that are not proportional to the needs of this case, especially given
 6 that this request seeks the production of documents unrelated to Plaintiff and during periods when
 7 Plaintiff did not work at Tesla. The request impermissibly seeks “me too” evidence that is not
 8 relevant to the claims and defenses in this case. Defendant objects to this request to the extent it
 9 seeks the production of electronically stored information (including, but not limited to emails,
 10 texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to
 11 the claims in this action. Defendant also objects to this request to the extent that it seeks
 12 documents protected by the attorney-client privilege, the attorney work product doctrine and/or
 13 other privileges, protections, or doctrines of similar effect. Defendant objects to this request to
 14 the extent it calls for documents that are protected from disclosure by third party privacy rights
 15 under the Federal and California constitutions and applicable statutes.

16 **REQUEST FOR PRODUCTION NO. 58**

17 Please produce any photographs, videos, or images that YOU collected when
 18 investigating complaint(s) made by any employee, contractor and/or agent regarding
 19 RACIALLY OFFENSIVE DRAWINGS OR ARTWORK at the TESLA FACTORY from 2012
 20 to present. (For the purposes of responding to this request for production, the phrase
 21 “RACIALLY OFFENSIVE DRAWINGS OR ARTWORK” shall include, though is not limited
 22 to, drawings or artwork depicting one or more of the following items: noose; swastika; flaming
 23 cross; “88”; the confederate flag; twin lightning bolts; the “iron cross”; the “Nazi eagle”; and
 24 “pickanniny”- or “golliwog”-style depictions of Black individuals.)

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 58**

26 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 27 vague and ambiguous, including, but not limited to, its use of the phrases “photographs, videos
 28 or images that YOU collected when investigating complaint(s) made any employee, contractor

1 and/or agent regarding RACIALLY OFFENSIVE DRAWINGS OR ARTWORK,”
 2 “RACIALLY OFFENSIVE DRAWINGS OR ARTWORK” shall include, though is not limited
 3 to, drawings or artwork depicting one or more of the following items: noose; swastika; flaming
 4 cross; ‘88’; the confederate flag; twin lightning bolts; the ‘iron cross’; the ‘Nazi eagle,’ and
 5 “pickanniny”- or ‘golliwog’-style depictions of Black individuals.” Defendant further objects
 6 to this request as burdensome, oppressive and harassing to the extent that it seeks documents not
 7 relevant to any party’s claims or defenses or that are not proportional to the needs of this case,
 8 especially given that this request seeks the production of documents unrelated to Plaintiff and
 9 during periods when Plaintiff did not work at Tesla. The request impermissibly seeks “me too”
 10 evidence that is not relevant to the claims and defenses in this case. Defendant objects to this
 11 request to the extent it seeks the production of electronically stored information (including, but
 12 not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context
 13 of and in proportion to the claims in this action. Defendant also objects to this request to the
 14 extent that it seeks documents protected by the attorney-client privilege, the attorney work
 15 product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant
 16 objects to this request to the extent it calls for documents that are protected from disclosure by
 17 third party privacy rights under the Federal and California constitutions and applicable statutes.

18 **REQUEST FOR PRODUCTION NO. 59**

19 Please produce all DOCUMENTS RELATING TO any discipline imposed as a result of
 20 any complaint(s) made by any employee, contractor and/or agent regarding RACIALLY
 21 OFFENSIVE DRAWINGS OR ARTWORK at the TESLA FACTORY from 2012 to present.
 22 (For the purposes of responding to this request for production, the phrase “RACIALLY
 23 OFFENSIVE DRAWINGS OR ARTWORK” shall include, though is not limited to, drawings
 24 or artwork depicting one or more of the following items: noose; swastika; flaming cross; “88”;
 25 the confederate flag; twin lightning bolts; the “iron cross”; the “Nazi eagle”; and “pickanniny”-
 26 or “golliwog”-style depictions of Black individuals.)

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 59**

28 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,

1 vague and ambiguous, including, but not limited to, its use of the phrases “discipline imposed as
 2 a result of any complaint(s) made any employee, contractor and/or agent regarding RACIALLY
 3 OFFENSIVE DRAWINGS OR ARTWORK,” “RACIALLY OFFENSIVE DRAWINGS OR
 4 ARTWORK’ shall include, though is not limited to, drawings or artwork depicting one or more
 5 of the following items: noose; swastika; flaming cross; ‘88’; the confederate flag; twin lightning
 6 bolts; the ‘iron cross’; the ‘Nazi eagle,’” and ““pickanniny’- or ‘golliwog’-style depictions of
 7 Black individuals.” Defendant further objects to this request as burdensome, oppressive and
 8 harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or
 9 that are not proportional to the needs of this case, especially given that this request seeks the
 10 production of all documents “RELATING TO” other documents and seeks the production of
 11 documents unrelated to Plaintiff and during periods when Plaintiff did not work at Tesla. The
 12 request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in
 13 this case. Defendant objects to this request to the extent it seeks the production of electronically
 14 stored information (including, but not limited to emails, texts and meta-data) as burdensome,
 15 costly and oppressive in the context of and in proportion to the claims in this action. Defendant
 16 also objects to this request to the extent that it seeks documents protected by the attorney-client
 17 privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of
 18 similar effect. Defendant objects to this request to the extent it calls for documents that are
 19 protected from disclosure by third party privacy rights under the Federal and California
 20 constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 60

22 Please produce all DOCUMENTS RELATING TO all complaint(s) made any employee,
 23 contractor and/or agent regarding racial harassment at the TESLA FACTORY from 2012 to
 24 present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 60

26 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 27 vague and ambiguous, including, but not limited to, its use of the phrase “complaint(s) made any
 28 employee, contractor and/or agent regarding racial harassment.” Defendant further objects to

1 this request as burdensome, oppressive and harassing to the extent that it seeks documents not
 2 relevant to any party's claims or defenses or that are not proportional to the needs of this case,
 3 especially given that this request seeks the production of all documents "RELATING TO" other
 4 documents and seeks the production of documents unrelated to Plaintiff and during periods when
 5 Plaintiff did not work at Tesla. The request impermissibly seeks "me too" evidence that is not
 6 relevant to the claims and defenses in this case. Defendant objects to this request to the extent it
 7 seeks the production of electronically stored information (including, but not limited to emails,
 8 texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to
 9 the claims in this action. Defendant also objects to this request to the extent that it seeks
 10 documents protected by the attorney-client privilege, the attorney work product doctrine and/or
 11 other privileges, protections, or doctrines of similar effect. Defendant objects to this request to
 12 the extent it calls for documents that are protected from disclosure by third party privacy rights
 13 under the Federal and California constitutions and applicable statutes.

14 **REQUEST FOR PRODUCTION NO. 61**

15 Please produce any and all statements from any PERSON who was interviewed regarding
 16 complaint(s) made by any employee, contractor and/or agent regarding racial harassment at the
 17 TESLA FACTORY from 2012 to present.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 61**

19 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 20 vague and ambiguous, including, but not limited to, its use of the term "statements" and the
 21 phrase "complaint(s) made any employee, contractor and/or agent regarding racial harassment."
 22 Defendant further objects to this request as burdensome, oppressive and harassing to the extent
 23 that it seeks documents not relevant to any party's claims or defenses or that are not proportional
 24 to the needs of this case, especially given that this request seeks the production of documents
 25 unrelated to Plaintiff and during periods when Plaintiff did not work at Tesla. The request
 26 impermissibly seeks "me too" evidence that is not relevant to the claims and defenses in this
 27 case. Defendant objects to this request to the extent it seeks the production of electronically stored
 28 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and

1 oppressive in the context of and in proportion to the claims in this action. Defendant also objects
 2 to this request to the extent that it seeks documents protected by the attorney-client privilege, the
 3 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
 4 Defendant objects to this request to the extent it calls for documents that are protected from
 5 disclosure by third party privacy rights under the Federal and California constitutions and
 6 applicable statutes.

7 **REQUEST FOR PRODUCTION NO. 62**

8 Please produce the investigator's notes that were created in response to complaint(s)
 9 made by any employee, contractor and/or agent regarding racial harassment at the TESLA
 10 FACTORY from 2012 to present.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 62**

12 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 13 vague and ambiguous, including, but not limited to, its use of the phrase "the investigator's notes
 14 that were created in response to complaint(s) made any employee, contractor and/or agent
 15 regarding racial harassment." Defendant further objects to this request as burdensome, oppressive
 16 and harassing to the extent that it seeks documents not relevant to any party's claims or defenses
 17 or that are not proportional to the needs of this case, especially given that this request seeks the
 18 production of documents unrelated to Plaintiff and during periods when Plaintiff did not work at
 19 Tesla. The request impermissibly seeks "me too" evidence that is not relevant to the claims and
 20 defenses in this case. Defendant objects to this request to the extent it seeks the production of
 21 electronically stored information (including, but not limited to emails, texts and meta-data) as
 22 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
 23 Defendant also objects to this request to the extent that it seeks documents protected by the
 24 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,
 25 or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents
 26 that are protected from disclosure by third party privacy rights under the Federal and California
 27 constitutions and applicable statutes.

28 ///

1 **REQUEST FOR PRODUCTION NO. 63**

2 Please produce all DOCUMENTS RELATING TO any discipline imposed as a result of
 3 any complaint(s) made by any employee, contractor and/or agent regarding racial harassment at
 4 the TESLA FACTORY from 2012 to present.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 63**

6 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 7 vague and ambiguous, including, but not limited to, its use of the phrase “discipline imposed as
 8 a result of any complaint(s) made any employee, contractor and/or agent regarding racial
 9 harassment.” Defendant further objects to this request as burdensome, oppressive and harassing
 10 to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not
 11 proportional to the needs of this case, especially given that this request seeks the production of
 12 all documents “RELATING TO” other documents and seeks the production of documents
 13 unrelated to Plaintiff and during periods when Plaintiff did not work at Tesla. The request
 14 impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this
 15 case. Defendant objects to this request to the extent it seeks the production of electronically stored
 16 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and
 17 oppressive in the context of and in proportion to the claims in this action. Defendant also objects
 18 to this request to the extent that it seeks documents protected by the attorney-client privilege, the
 19 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
 20 Defendant objects to this request to the extent it calls for documents that are protected from
 21 disclosure by third party privacy rights under the Federal and California constitutions and
 22 applicable statutes.

23 **REQUEST FOR PRODUCTION NO. 64**

24 Please produce all DOCUMENTS detailing EXTERNAL COMPLAINTS of harassment
 25 based on race or color by any employee, contractor and/or agent at the TESLA FACTORY since
 26 2012. (In responding to this request, the term EXTERNAL COMPLAINT encompasses
 27 complaints made to a governmental or administrative entity, including, though not limited to,
 28 state and federal courts; the EEOC; the DFEH; the DIR; the DLSE; OSHA; and CAL-OSHA.)

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 64**

2 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 3 vague and ambiguous, including, but not limited to, its use of the phrases “DOCUMENTS
 4 detailing EXTERNAL COMPLAINTS of harassment based on race or color by any employee,
 5 contractor and/or agent,” and “EXTERNAL COMPLAINT encompasses complaints made to a
 6 governmental or administrative entity, including, though not limited to, state and federal courts;
 7 the EEOC; the DFEH; the DIR; the DLSE; OSHA; and CAL-OSHA.” Defendant further objects
 8 to this request as burdensome, oppressive and harassing to the extent that it seeks documents not
 9 relevant to any party’s claims or defenses or that are not proportional to the needs of this case,
 10 especially given that this request seeks the production of all documents “detailing” other
 11 documents and seeks the production of documents unrelated to Plaintiff and during periods when
 12 Plaintiff did not work at Tesla. The request impermissibly seeks “me too” evidence that is not
 13 relevant to the claims and defenses in this case. Defendant objects to this request to the extent it
 14 seeks the production of electronically stored information (including, but not limited to emails,
 15 texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to
 16 the claims in this action. Defendant also objects to this request to the extent that it seeks
 17 documents protected by the attorney-client privilege, the attorney work product doctrine and/or
 18 other privileges, protections, or doctrines of similar effect. Defendant objects to this request to
 19 the extent it calls for documents that are protected from disclosure by third party privacy rights
 20 under the Federal and California constitutions and applicable statutes. Defendant objects to this
 21 request on the grounds that it seeks the production of documents that are equally available to
 22 Plaintiff as a matter of public record.

23 **REQUEST FOR PRODUCTION NO. 65**

24 Please produce the entire investigation files for any EXTERNAL COMPLAINTS of
 25 harassment based on race or color by any employee, contractor and/or agent at the TESLA
 26 FACTORY since 2012. (In responding to this request, the term EXTERNAL COMPLAINT
 27 encompasses complaints made to a governmental or administrative entity, including, though not
 28 limited to, state and federal courts; the EEOC; the DFEH; the DIR; the DLSE; OSHA; and CAL-

1 OSHA.)

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 65**

3 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 4 vague and ambiguous, including, but not limited to, its use of the phrases “entire investigation
 5 files for any EXTERNAL COMPLAINTS of harassment based on race or color by any employee,
 6 contractor and/or agent,” and “EXTERNAL COMPLAINT encompasses complaints made to a
 7 governmental or administrative entity, including, though not limited to, state and federal courts;
 8 the EEOC; the DFEH; the DIR; the DLSE; OSHA; and CAL-OSHA.” Defendant further objects
 9 to this request as burdensome, oppressive and harassing to the extent that it seeks documents not
 10 relevant to any party’s claims or defenses or that are not proportional to the needs of this case,
 11 especially given that this request seeks the production of documents unrelated to Plaintiff and
 12 during periods when Plaintiff did not work at Tesla. The request impermissibly seeks “me too”
 13 evidence that is not relevant to the claims and defenses in this case. Defendant objects to this
 14 request to the extent it seeks the production of electronically stored information (including, but
 15 not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context
 16 of and in proportion to the claims in this action. Defendant also objects to this request to the
 17 extent that it seeks documents protected by the attorney-client privilege, the attorney work
 18 product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant
 19 objects to this request to the extent it calls for documents that are protected from disclosure by
 20 third party privacy rights under the Federal and California constitutions and applicable statutes.
 21 Defendant objects to this request on the grounds that it seeks the production of documents that
 22 are equally available to Plaintiff as a matter of public record.

23 **REQUEST FOR PRODUCTION NO. 66**

24 Please produce documents that reflect, evidence, or describe all of YOUR race
 25 harassment or discrimination policies in effect at the TESLA FACTORY from 2010 to present.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 66**

27 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 28 vague and ambiguous, including, but not limited to, its use of the phrase “race harassment or

1 discrimination policies in effect at the TESLA FACTORY.” Defendant further objects to this
 2 request as burdensome, oppressive and harassing to the extent that it seeks documents not
 3 relevant to any party’s claims or defenses or that are not proportional to the needs of this case,
 4 especially given that this request seeks the production of “documents that reflect, evidence, or
 5 describe” other documents and the production of documents during periods when Plaintiff did
 6 not work at Tesla. Defendant objects to this request to the extent it seeks the production of
 7 electronically stored information (including, but not limited to emails, texts and meta-data) as
 8 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
 9 Defendant also objects to this request to the extent that it seeks documents protected by the
 10 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,
 11 or doctrines of similar effect. Defendant objects to this request to the extent it seeks documents
 12 that are private, confidential, business sensitive and/or protected as a trade secret.

13 Subject to and without waiving objections, Defendant responds: Subject to and without
 14 waiving its objections, Defendant responds: Defendant will produce responsive documents in its
 15 possession, custody and control, if any, to the extent they can be located. Discovery is continuing,
 16 and Defendant reserves its right to supplement its response to this request.

17 **REQUEST FOR PRODUCTION NO. 67**

18 Please produce all DOCUMENTS that discuss the procedures YOU instruct YOUR
 19 employees to follow when reporting harassment in the workplace at the TESLA FACTORY from
 20 2010 to present.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 67**

22 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 23 vague and ambiguous, including, but not limited to, its use of the phrase “DOCUMENTS that
 24 discuss the procedures YOU instruct YOUR employees to follow when reporting harassment in
 25 the workplace at the TESLA FACTORY.” Defendant further objects to this request as
 26 burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any
 27 party’s claims or defenses or that are not proportional to the needs of this case, especially given
 28 that this request seeks the production of documents that “discuss” other documents and seeks the

1 production of documents during periods when Plaintiff did not work at Tesla. Defendant objects
 2 to this request to the extent it seeks the production of electronically stored information (including,
 3 but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the
 4 context of and in proportion to the claims in this action. Defendant also objects to this request to
 5 the extent that it seeks documents protected by the attorney-client privilege, the attorney work
 6 product doctrine and/or other privileges, protections, or doctrines of similar effect.

7 Subject to and without waiving objections, Defendant responds: Subject to and without
 8 waiving its objections, Defendant responds: Defendant will produce responsive documents in its
 9 possession, custody and control, if any, to the extent they can be located. Discovery is continuing,
 10 and Defendant reserves its right to supplement its response to this request.

11 **REQUEST FOR PRODUCTION NO. 68**

12 Please produce all DOCUMENTS that discuss the policies and procedures that YOUR
 13 employees follow when investigating claims of harassment at the TESLA FACTORY from 2012
 14 to the present.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 68**

16 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 17 vague and ambiguous, including, but not limited to, its use of the phrase “DOCUMENTS that
 18 discuss the policies and procedures that YOUR employees follow when investigating claims of
 19 harassment at the TESLA FACTORY.” Defendant further objects to this request as burdensome,
 20 oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims
 21 or defenses or that are not proportional to the needs of this case, especially given that this request
 22 seeks the production of documents that “discuss” other documents and seeks the production of
 23 documents during periods when Plaintiff did not work at Tesla. Defendant objects to this request
 24 to the extent it seeks the production of electronically stored information (including, but not
 25 limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of
 26 and in proportion to the claims in this action. Defendant also objects to this request to the extent
 27 that it seeks documents protected by the attorney-client privilege, the attorney work product
 28 doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to

1 this request to the extent it seeks documents that are private, confidential, business sensitive
2 and/or protected as a trade secret.

3 Subject to and without waiving objections, Defendant responds: Subject to and without
4 waiving its objections, Defendant responds: Defendant will produce responsive documents in its
5 possession, custody and control, if any, to the extent they can be located. Discovery is continuing,
6 and Defendant reserves its right to supplement its response to this request.

7 **REQUEST FOR PRODUCTION NO. 69**

8 Please produce all DOCUMENTS that constitute the policies, procedures, checklists or
9 manuals that are used or relied on by YOUR employees when investigating complaints of race
10 harassment or discrimination at the TESLA FACTORY from 2010 to present.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 69**

12 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
13 vague and ambiguous, including, but not limited to, its use of the phrase "DOCUMENTS that
14 constitute the policies, procedures, checklists or manuals that are used or relied on by YOUR
15 employees when investigating complaints of race harassment or discrimination at the TESLA
16 FACTORY." Defendant further objects to this request as burdensome, oppressive and harassing
17 to the extent that it seeks documents not relevant to any party's claims or defenses or that are not
18 proportional to the needs of this case, especially given that this request seeks the production of
19 documents during periods when Plaintiff did not work at Tesla. Defendant objects to this request
20 to the extent it seeks the production of electronically stored information (including, but not
21 limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of
22 and in proportion to the claims in this action. Defendant also objects to this request to the extent
23 that it seeks documents protected by the attorney-client privilege, the attorney work product
24 doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to
25 this request to the extent it seeks documents that are private, confidential, business sensitive
26 and/or protected as a trade secret.

27 Subject to and without waiving objections, Defendant responds: Subject to and without
28 waiving its objections, Defendant responds: Defendant will produce responsive documents in its

1 possession, custody and control, if any, to the extent they can be located. Discovery is continuing,
2 and Defendant reserves its right to supplement its response to this request.

3 **REQUEST FOR PRODUCTION NO. 70**

4 Please produce all pamphlets RELATED TO harassment that YOU have used or
5 distributed to employees, agents or contractors that work at the TESLA FACTORY between
6 2010 and the present.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 70**

8 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
9 vague and ambiguous, including, but not limited to, its use of the phrase “pamphlets RELATED
10 TO harassment that YOU have used or distributed to employees, agents or contractors that work
11 at the TESLA FACTORY.” Defendant further objects to this request as burdensome, oppressive
12 and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses
13 or that are not proportional to the needs of this case, especially given that this request seeks the
14 production of documents during periods when Plaintiff did not work at Tesla. Defendant objects
15 to this request to the extent it seeks the production of electronically stored information (including,
16 but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the
17 context of and in proportion to the claims in this action.

18 Subject to and without waiving objections, Defendant responds: Subject to and without
19 waiving its objections, Defendant responds: Defendant will produce responsive documents in its
20 possession, custody and control, if any, to the extent they can be located. Discovery is continuing,
21 and Defendant reserves its right to supplement its response to this request.

22 **REQUEST FOR PRODUCTION NO. 71**

23 Please produce all policies on harassment that YOU have posted from 2010 to the present
24 in the TESLA FACTORY.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 71**

26 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
27 vague and ambiguous, including, but not limited to, its use of the phrase “policies on harassment
28 that YOU have posted from 2010 to the present in the TESLA FACTORY.” Defendant further

1 objects to this request as burdensome, oppressive and harassing to the extent that it seeks
 2 documents not relevant to any party's claims or defenses or that are not proportional to the needs
 3 of this case, especially given that this request seeks the production of documents during periods
 4 when Plaintiff did not work at Tesla. Defendant objects to this request to the extent it seeks the
 5 production of electronically stored information (including, but not limited to emails, texts and
 6 meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims
 7 in this action.

8 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 9 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 10 in Defendant's possession, custody or control are responsive to this request. Discovery is
 11 continuing, and Defendant reserves its right to supplement its response to this request.

12 **REQUEST FOR PRODUCTION NO. 72**

13 Please produce all DOCUMENTS, materials and videotapes RELATED TO harassment
 14 training YOU have conducted or facilitated for employees, agents or contractors at the TESLA
 15 FACTORY from 2010 to the present.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 72**

17 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 18 vague and ambiguous, including, but not limited to, its use of the phrase "DOCUMENTS,
 19 materials and videotapes RELATED TO harassment training YOU have conducted or facilitated
 20 for employees, agents or contractors at the TESLA FACTORY." Defendant further objects to
 21 this request as burdensome, oppressive and harassing to the extent that it seeks documents not
 22 relevant to any party's claims or defenses or that are not proportional to the needs of this case,
 23 especially given that this request seeks the production of documents during periods when Plaintiff
 24 did not work at Tesla. Defendant objects to this request to the extent it seeks the production of
 25 electronically stored information (including, but not limited to emails, texts and meta-data) as
 26 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
 27 Defendant also objects to this request to the extent that it seeks documents protected by the
 28 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,

1 or doctrines of similar effect. Defendant objects to this request to the extent it seeks documents
 2 that are private, confidential, business sensitive and/or protected as a trade secret.

3 Subject to and without waiving its objections, Defendant responds: Despite a diligent
 4 search and reasonable inquiry Defendant, cannot comply with this request because no documents
 5 in Defendant's possession, custody or control are responsive to this request. Discovery is
 6 continuing, and Defendant reserves its right to supplement its response to this request.

7 **REQUEST FOR PRODUCTION NO. 73**

8 Please provide all DOCUMENTS related to any complaints made about Ramon Martinez
 9 that involved harassment or discrimination based on race or color.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 73**

11 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 12 vague and ambiguous, including, but not limited to, its use of the phrase "DOCUMENTS related
 13 to any complaints made about Ramon Martinez that involved harassment or discrimination based
 14 on race or color." Defendant further objects to this request as burdensome, oppressive and
 15 harassing to the extent that it seeks documents not relevant to any party's claims or defenses or
 16 that are not proportional to the needs of this case, especially given that this request seeks the
 17 production of all documents "related to" other documents. Defendant objects to this request on
 18 the grounds that it is overbroad, vague and ambiguous as to time. Defendant objects to this
 19 request to the extent it seeks the production of electronically stored information (including, but
 20 not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context
 21 of and in proportion to the claims in this action. Defendant also objects to this request to the
 22 extent that it seeks documents protected by the attorney-client privilege, the attorney work
 23 product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant
 24 objects to this request to the extent it calls for documents that are protected from disclosure by
 25 third party privacy rights under the Federal and California constitutions and applicable statutes.
 26 Defendant objects to this request on the grounds that Ramon Martinez was not an employee of
 27 Defendant and this request is therefore inapplicable to Defendant.

28 ///

1 **REQUEST FOR PRODUCTION NO. 74**

2 Please produce DOCUMENTS sufficient to describe the business relationship between
3 YOU and Defendant Tesla, Inc. This request includes, though is not limited to, contracts and
4 memoranda of understanding.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 74**

6 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
7 vague and ambiguous, including, but not limited to, its use of the phrase “DOCUMENTS
8 sufficient to describe the business relationship between YOU and Defendant Tesla, Inc.”
9 Defendant further objects to this request as burdensome, oppressive and harassing to the extent
10 that it seeks documents not relevant to any party’s claims or defenses or that are not proportional
11 to the needs of this case. Defendant objects to this request on the grounds that it is overbroad,
12 vague and ambiguous as to time. Defendant objects to this request to the extent it seeks the
13 production of electronically stored information (including, but not limited to emails, texts and
14 meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims
15 in this action. Defendant also objects to this request to the extent that it seeks documents
16 protected by the attorney-client privilege, the attorney work product doctrine and/or other
17 privileges, protections, or doctrines of similar effect. Defendant objects to this request to the
18 extent it seeks documents that are private, confidential, business sensitive and/or protected as a
19 trade secret.

20 **REQUEST FOR PRODUCTION NO. 75**

21 Please produce DOCUMENTS sufficient to describe the business relationship between
22 YOU and Defendant Citistaff Solutions, Inc. This request includes, though is not limited to,
23 contracts and memoranda of understanding.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 75**

25 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
26 vague and ambiguous, including, but not limited to, its use of the phrase “DOCUMENTS
27 sufficient to describe the business relationship between YOU and Defendant Citistaff Solutions,
28 Inc.” Defendant further objects to this request as burdensome, oppressive and harassing to the

1 extent that it seeks documents not relevant to any party's claims or defenses or that are not
 2 proportional to the needs of this case. Defendant objects to this request on the grounds that it is
 3 overbroad, vague and ambiguous as to time. Defendant objects to this request to the extent it
 4 seeks the production of electronically stored information (including, but not limited to emails,
 5 texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to
 6 the claims in this action. Defendant also objects to this request to the extent that it seeks
 7 documents protected by the attorney-client privilege, the attorney work product doctrine and/or
 8 other privileges, protections, or doctrines of similar effect. Defendant objects to this request to
 9 the extent it seeks documents that are private, confidential, business sensitive and/or protected as
 10 a trade secret.

11 **REQUEST FOR PRODUCTION NO. 76**

12 Please produce DOCUMENTS sufficient to describe the business relationship between
 13 YOU and Defendant West Valley Engineering, Inc. This request includes, though is not limited
 14 to, contracts and memoranda of understanding.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 76**

16 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 17 vague and ambiguous, including, but not limited to, its use of the phrase "DOCUMENTS
 18 sufficient to describe the business relationship between YOU and Defendant West Valley
 19 Engineering, Inc." Defendant further objects to this request as burdensome, oppressive and
 20 harassing to the extent that it seeks documents not relevant to any party's claims or defenses or
 21 that are not proportional to the needs of this case. Defendant objects to this request on the grounds
 22 that it is overbroad, vague and ambiguous as to time. Defendant objects to this request to the
 23 extent it seeks the production of electronically stored information (including, but not limited to
 24 emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in
 25 proportion to the claims in this action. Defendant also objects to this request to the extent that it
 26 seeks documents protected by the attorney-client privilege, the attorney work product doctrine
 27 and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this
 28 request to the extent it seeks documents that are private, confidential, business sensitive and/or

1 protected as a trade secret.

2 **REQUEST FOR PRODUCTION NO. 77**

3 Please produce all DOCUMENTS, including, but not limited to e-mails, text messages
 4 and instant messages sent or received by Wayne Jackson regarding the use of RACIAL SLURS
 5 at the TESLA FACTORY. (For the purposes of responding to this request for production, the
 6 phrase “RACIAL SLURS” shall include, but is not limited to, the terms “nigger”, “nigga”,
 7 “ninga”, or any variant thereof; “porch monkey”; “monkey”; or “jiggaboo”. The term shall also
 8 encompass equivalent words in Spanish, including, though not limited to, “negrito”, “negrita”,
 9 “mono”, and “mayate”.)

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 77**

11 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 12 vague and ambiguous, including, but not limited to, its use of the phrases “DOCUMENTS ...
 13 regarding the use of RACIAL SLURS,” “‘nigger’, ‘nigga’, ‘ninga’, or any variant thereof,” and
 14 “equivalent words in Spanish, including, though not limited to, ‘negrito’, ‘negrita’, ‘mono’, and
 15 ‘mayate’.” Defendant further objects to this request as burdensome, oppressive and harassing to
 16 the extent that it seeks documents not relevant to any party’s claims or defenses or that are not
 17 proportional to the needs of this case, especially given that this request seeks the production of
 18 documents unrelated to Plaintiff. Defendant objects to this request on the grounds that it is
 19 overbroad, vague and ambiguous as to time. The request impermissibly seeks “me too” evidence
 20 that is not relevant to the claims and defenses in this case. Defendant objects to this request to
 21 the extent it seeks the production of electronically stored information (including, but not limited
 22 to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in
 23 proportion to the claims in this action. Defendant also objects to this request to the extent that it
 24 seeks documents protected by the attorney-client privilege, the attorney work product doctrine
 25 and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this
 26 request to the extent it calls for documents that are protected from disclosure by third party
 27 privacy rights under the Federal and California constitutions and applicable statutes.

28 ///

1 **REQUEST FOR PRODUCTION NO. 78**

2 Please produce all DOCUMENTS, including, but not limited to e-mails, text messages
 3 and instant messages sent or received by Wayne Jackson regarding PLAINTIFF OWEN DIAZ.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 78**

5 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 6 vague and ambiguous, including, but not limited to, its use of the phrases “DOCUMENTS ...
 7 regarding PLAINTIFF OWEN DIAZ.” Defendant further objects to this request as burdensome,
 8 oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims
 9 or defenses or that are not proportional to the needs of this case. Defendant objects to this request
 10 on the grounds that it is overbroad, vague and ambiguous as to time. Defendant objects to this request
 11 on the extent it seeks the production of electronically stored information (including, but
 12 not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context
 13 of and in proportion to the claims in this action. Defendant also objects to this request to the
 14 extent that it seeks documents protected by the attorney-client privilege, the attorney work
 15 product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant
 16 objects to this request to the extent it calls for documents that are protected from disclosure by
 17 third party privacy rights under the Federal and California constitutions and applicable statutes.

18 Subject to and without waiving objections, Defendant responds: Subject to and without
 19 waiving its objections, Defendant responds: Defendant will produce responsive documents in its
 20 possession, custody and control, if any, to the extent they can be located. Discovery is continuing,
 21 and Defendant reserves its right to supplement its response to this request.

22 **REQUEST FOR PRODUCTION NO. 79**

23 Please produce all DOCUMENTS, including, but not limited to e-mails, text messages
 24 and instant messages sent or received by Nancy Uhlenbrock regarding the use of RACIAL
 25 SLURS at the TESLA FACTORY. (For the purposes of responding to this request for production,
 26 the phrase “RACIAL SLURS” shall include, but is not limited to, the terms “nigger”, “nigga”,
 27 “ninga”, or any variant thereof, “porch monkey”; “monkey”; “jiggaboo”. The term shall also
 28 encompass equivalent words in Spanish, including, though not limited to, “negrito”, “negrita”,

1 “mono”, and “mayate”.)

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 79**

3 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 4 vague and ambiguous, including, but not limited to, its use of the phrases “DOCUMENTS ...
 5 regarding the use of RACIAL SLURS,” “nigger”, ‘nigga’, ‘ninga’, or any variant thereof,” and
 6 “equivalent words in Spanish, including, though not limited to, ‘negrito’, ‘negrita’, ‘mono’, and
 7 ‘mayate’.” Defendant further objects to this request as burdensome, oppressive and harassing to
 8 the extent that it seeks documents not relevant to any party’s claims or defenses or that are not
 9 proportional to the needs of this case, especially given that this request seeks the production of
 10 documents unrelated to Plaintiff. Defendant objects to this request on the grounds that it is
 11 overbroad, vague and ambiguous as to time. The request impermissibly seeks “me too” evidence
 12 that is not relevant to the claims and defenses in this case. Defendant objects to this request to
 13 the extent it seeks the production of electronically stored information (including, but not limited
 14 to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in
 15 proportion to the claims in this action. Defendant also objects to this request to the extent that it
 16 seeks documents protected by the attorney-client privilege, the attorney work product doctrine
 17 and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this
 18 request to the extent it calls for documents that are protected from disclosure by third party
 19 privacy rights under the Federal and California constitutions and applicable statutes.

20 **REQUEST FOR PRODUCTION NO. 80**

21 Please produce all DOCUMENTS, including, but not limited to e-mails, text messages
 22 and instant messages sent or received by Terri Garrett regarding the use of RACIAL SLURS at
 23 the TESLA FACTORY. (For the purposes of responding to this request for production, the phrase
 24 “RACIAL SLURS” shall include, but is not limited to, the terms “nigger”, “nigga”, “ninga”, or
 25 any variant thereof; “porch monkey”; “monkey”; or “jiggaboo”. The term shall also encompass
 26 equivalent words in Spanish, including, though not limited to, “negrito”, “negrita”, “mono”, and
 27 “mayate”.)

28 ///

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 80**

2 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 3 vague and ambiguous, including, but not limited to, its use of the phrases “DOCUMENTS ...
 4 regarding the use of RACIAL SLURS,” “‘nigger’, ‘nigga’, ‘ninga’, or any variant thereof,” and
 5 “equivalent words in Spanish, including, though not limited to, ‘negrito’, ‘negrita’, ‘mono’, and
 6 ‘mayate’.” Defendant further objects to this request as burdensome, oppressive and harassing to
 7 the extent that it seeks documents not relevant to any party’s claims or defenses or that are not
 8 proportional to the needs of this case, especially given that this request seeks the production of
 9 documents unrelated to Plaintiff. Defendant objects to this request on the grounds that it is
 10 overbroad, vague and ambiguous as to time. The request impermissibly seeks “me too” evidence
 11 that is not relevant to the claims and defenses in this case. Defendant objects to this request to
 12 the extent it seeks the production of electronically stored information (including, but not limited
 13 to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in
 14 proportion to the claims in this action. Defendant also objects to this request to the extent that it
 15 seeks documents protected by the attorney-client privilege, the attorney work product doctrine
 16 and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this
 17 request to the extent it calls for documents that are protected from disclosure by third party
 18 privacy rights under the Federal and California constitutions and applicable statutes.

19 **REQUEST FOR PRODUCTION NO. 81**

20 Please produce all DOCUMENTS, including, but not limited to e-mails, text messages
 21 and instant messages sent or received by Wayne Jackson regarding SYMBOLS AND SLOGANS
 22 OF WHITE SUPREMIST HATE GROUPS at the TESLA FACTORY from 2012 to present.
 23 (For the purposes of responding to this request for production, the phrase “SYMBOLS AND
 24 SLOGANS OF WHITE SUPREMIST HATE GROUPS” shall include, but is not limited to,
 25 symbols such as a swastika, flaming cross, “88”, the confederate flag, twin lightning bolts, the
 26 “iron cross”, or the “Nazi eagle”; and slogans including “white power” or “fourteen words”.)

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 81**

28 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,

1 vague and ambiguous, including, but not limited to, its use of the phrases “DOCUMENTS ...
 2 regarding SYMBOLS AND SLOGANS OF WHITE SUPREMACIST HATE GROUPS,”
 3 “SYMBOLS AND SLOGANS OF WHITE SUPREMACIST HATE GROUPS” shall include,
 4 but is not limited to, symbols such as a swastika, flaming cross, ‘88’, the confederate flag, twin
 5 lightning bolts, the ‘iron cross’, or the ‘Nazi eagle,’” and “slogans including ‘white power’ or
 6 ‘fourteen words.’” Defendant further objects to this request as burdensome, oppressive and
 7 harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or
 8 that are not proportional to the needs of this case, especially given that this request seeks the
 9 production of documents unrelated to Plaintiff and during periods when Plaintiff did not work at
 10 Tesla. The request impermissibly seeks “me too” evidence that is not relevant to the claims and
 11 defenses in this case. Defendant objects to this request to the extent it seeks the production of
 12 electronically stored information (including, but not limited to emails, texts and meta-data) as
 13 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
 14 Defendant also objects to this request to the extent that it seeks documents protected by the
 15 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,
 16 or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents
 17 that are protected from disclosure by third party privacy rights under the Federal and California
 18 constitutions and applicable statutes.

19 **REQUEST FOR PRODUCTION NO. 82**

20 Please produce all DOCUMENTS, including, but not limited to e-mails, text messages
 21 and instant messages sent or received by Nancy Uhlenbrock regarding SYMBOLS AND
 22 SLOGANS OF WHITE SUPREMACIST HATE GROUPS at the TESLA FACTORY from 2012
 23 to present. (For the purposes of responding to this request for production, the phrase “SYMBOLS
 24 AND SLOGANS OF WHITE SUPREMACIST HATE GROUPS” shall include, but is not
 25 limited to, symbols such as a swastika, flaming cross, “88”, the confederate flag, twin lightning
 26 bolts, the “iron cross”, or the “Nazi eagle”; and slogans including “white power” or “fourteen
 27 words.”).

28 ///

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 82**

2 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 3 vague and ambiguous, including, but not limited to, its use of the phrases “DOCUMENTS ...
 4 regarding SYMBOLS AND SLOGANS OF WHITE SUPREMACIST HATE GROUPS,”
 5 “SYMBOLS AND SLOGANS OF WHITE SUPREMACIST HATE GROUPS” shall include,
 6 but is not limited to, symbols such as a swastika, flaming cross, ‘88’, the confederate flag, twin
 7 lightning bolts, the ‘iron cross’, or the ‘Nazi eagle,’ and “slogans including ‘white power’ or
 8 ‘fourteen words.’” Defendant further objects to this request as burdensome, oppressive and
 9 harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or
 10 that are not proportional to the needs of this case, especially given that this request seeks the
 11 production of documents unrelated to Plaintiff and during periods when Plaintiff did not work at
 12 Tesla. The request impermissibly seeks “me too” evidence that is not relevant to the claims and
 13 defenses in this case. Defendant objects to this request to the extent it seeks the production of
 14 electronically stored information (including, but not limited to emails, texts and meta-data) as
 15 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
 16 Defendant also objects to this request to the extent that it seeks documents protected by the
 17 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,
 18 or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents
 19 that are protected from disclosure by third party privacy rights under the Federal and California
 20 constitutions and applicable statutes.

21 **REQUEST FOR PRODUCTION NO. 83**

22 Please produce all DOCUMENTS, including, but not limited to e-mails, text messages
 23 and instant messages sent or received by Terri Garrett regarding SYMBOLS AND SLOGANS
 24 OF WHITE SUPREMACIST HATE GROUPS at the TESLA FACTORY from 2012 to present.
 25 (For the purposes of responding to this request for production, the phrase “SYMBOLS AND
 26 SLOGANS OF WHITE SUPREMACIST HATE GROUPS” shall include, but is not limited to,
 27 symbols such as a swastika, flaming cross, “88”, the confederate flag, twin lightning bolts, the
 28 “iron cross”, or the “Nazi eagle”; and slogans including “white power” or “fourteen words.”)

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 83**

2 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 3 vague and ambiguous, including, but not limited to, its use of the phrases “DOCUMENTS ...
 4 regarding SYMBOLS AND SLOGANS OF WHITE SUPREMACIST HATE GROUPS,”
 5 “SYMBOLS AND SLOGANS OF WHITE SUPREMACIST HATE GROUPS” shall include,
 6 but is not limited to, symbols such as a swastika, flaming cross, ‘88’, the confederate flag, twin
 7 lightning bolts, the ‘iron cross’, or the ‘Nazi eagle,’ and “slogans including ‘white power’ or
 8 ‘fourteen words.’” Defendant further objects to this request as burdensome, oppressive and
 9 harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or
 10 that are not proportional to the needs of this case, especially given that this request seeks the
 11 production of documents unrelated to Plaintiff and during periods when Plaintiff did not work at
 12 Tesla. The request impermissibly seeks “me too” evidence that is not relevant to the claims and
 13 defenses in this case. Defendant objects to this request to the extent it seeks the production of
 14 electronically stored information (including, but not limited to emails, texts and meta-data) as
 15 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
 16 Defendant also objects to this request to the extent that it seeks documents protected by the
 17 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,
 18 or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents
 19 that are protected from disclosure by third party privacy rights under the Federal and California
 20 constitutions and applicable statutes.

21 **REQUEST FOR PRODUCTION NO. 84**

22 Please produce all DOCUMENTS reflecting complaints from other employees at the
 23 TESLA FACTORY about Plaintiff Owen Diaz’s attitude or demeanor.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 84**

25 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 26 vague and ambiguous, including, but not limited to, its use of the phrase “complaints from other
 27 employees at the TESLA FACTORY about Plaintiff Owen Diaz’s attitude or demeanor.”
 28 Defendant further objects to this request as burdensome, oppressive and harassing to the extent

1 that it seeks documents not relevant to any party's claims or defenses or that are not proportional
 2 to the needs of this case, especially given that this request seeks the production of documents
 3 "reflecting" other documents. Defendant objects to this request to the extent it seeks the
 4 production of electronically stored information (including, but not limited to emails, texts and
 5 meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims
 6 in this action. Defendant also objects to this request to the extent that it seeks documents
 7 protected by the attorney-client privilege, the attorney work product doctrine and/or other
 8 privileges, protections, or doctrines of similar effect. Defendant objects to this request to the
 9 extent it calls for documents that are protected from disclosure by third party privacy rights under
 10 the Federal and California constitutions and applicable statutes.

11 Subject to and without waiving objections, Defendant responds: Subject to and without
 12 waiving its objections, Defendant responds: Defendant will produce responsive documents in its
 13 possession, custody and control, if any, to the extent they can be located. Discovery is continuing,
 14 and Defendant reserves its right to supplement its response to this request.

15 **REQUEST FOR PRODUCTION NO. 85**

16 Please produce all DOCUMENTS that support any defense YOU have pleaded or will
 17 plead in this action.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 85**

19 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 20 vague and ambiguous, including, but not limited to, its use of the phrase "DOCUMENTS that
 21 support any defense YOU have pleaded or will plead in this action." Defendant objects to this
 22 request to the extent it seeks the production of electronically stored information (including, but
 23 not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context
 24 of and in proportion to the claims in this action. Defendant also objects to this request to the
 25 extent that it seeks documents protected by the attorney-client privilege, the attorney work
 26 product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant
 27 objects to this request to the extent it calls for documents that are protected from disclosure by
 28 third party privacy rights under the Federal and California constitutions and applicable statutes.

1 Subject to and without waiving objections, Defendant responds: Subject to and without
2 waiving its objections, Defendant responds: Defendant will produce responsive documents in its
3 possession, custody and control, if any, to the extent they can be located. Discovery is continuing,
4 and Defendant reserves its right to supplement its response to this request.

5 **REQUEST FOR PRODUCTION NO. 86**

6 Please produce all DOCUMENTS sent to YOU by Citistaff Solutions, Inc. regarding
7 PLAINTIFF Owen Diaz.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 86**

9 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
10 vague and ambiguous, including, but not limited to, its use of the phrase "DOCUMENTS sent to
11 YOU by Citistaff Solutions, Inc. regarding PLAINTIFF Owen Diaz." Defendant further objects
12 to this request as burdensome, oppressive and harassing to the extent that it seeks documents not
13 relevant to any party's claims or defenses or that are not proportional to the needs of this case.
14 Defendant objects to this request to the extent it seeks the production of electronically stored
15 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and
16 oppressive in the context of and in proportion to the claims in this action. Defendant also objects
17 to this request to the extent that it seeks documents protected by the attorney-client privilege, the
18 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
19 Defendant objects to this request to the extent it calls for documents that are protected from
20 disclosure by third party privacy rights under the Federal and California constitutions and
21 applicable statutes. Defendant objects to this request to the extent it seeks the production of
22 documents that are equally available to Plaintiff.

23 Subject to and without waiving objections, Defendant responds: Subject to and without
24 waiving its objections, Defendant responds: Defendant will produce responsive documents in its
25 possession, custody and control, if any, to the extent they can be located. Discovery is continuing,
26 and Defendant reserves its right to supplement its response to this request.

27 **REQUEST FOR PRODUCTION NO. 87**

28 Please produce all DOCUMENTS sufficient to reflect your present financial condition,

1 including but not limited to, audited financial statements.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 87**

3 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
4 vague and ambiguous, including, but not limited to, its use of the phrase “DOCUMENTS
5 sufficient to reflect your present financial condition, including but not limited to, audited
6 financial statements.” Defendant further objects to this request as burdensome, oppressive and
7 harassing on the grounds that it seeks documents not relevant to any party’s claims or defenses
8 or that are not proportional to the needs of this case. Defendant objects to this request to the
9 extent it seeks the production of electronically stored information (including, but not limited to
10 emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in
11 proportion to the claims in this action. Defendant also objects to this request to the extent that it
12 seeks documents protected by the attorney-client privilege, the attorney work product doctrine
13 and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this
14 request to the extent it seeks documents that are private, confidential, business sensitive and/or
15 protected as a trade secret.

16 Date: May 29, 2019

FISHER & PHILLIPS LLP

18 By: /s/ Juan C. Araneda
19 JUAN C. ARANEDA
20 Attorneys for Defendant
nextSource, Inc

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VERIFICATION

I have read the foregoing DEFENDANT NEXTSOURCE, INC. RESPONSE TO PLAINTIFF OWEN DIAZ'S INTERROGATORIES – SET ONE and know its contents.

I am Chief Financial Officer of nextSource, Inc., a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

Executed on May 23, 2019, at Nashville, Tennessee.

I declare under penalty of perjury that the foregoing is true and correct.

Kyle

Kevin McGinn
Chief Financial Officer
nextSource, Inc.

CERTIFICATE OF SERVICE

I, the undersigned, am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; am employed with the law offices of Fisher & Phillips LLP and my business address is One Embarcadero Center, Suite 2050, San Francisco, California, 94111.

On May 29, 2019, I served the foregoing document entitled **DEFENDANT NEXTSOURCE, INC.'S RESPONSE TO PLAINTIFF OWEN DIAZ'S REQUEST FOR PRODUCTION OF DOCUMENTS – SET ONE** on the parties listed below as follows:

<p>Lawrence A. Organ Navruz Avloni California Civil Rights Law Group 332 San Anselmo Avenue San Anselmo, CA 94960-2664</p>	<p>Attorneys for Plaintiffs DEMETRIC DIAZ, OWEN DIAZ and LAMAR PATTERSON Tel.: (415) 453-4740 Fax: (415) 785-7352 Email: larry@civilrightsca.com navruz@civilrightsca.com</p>
--	---

BY ELECTRONIC SERVICE: Based on an agreement of the parties to accept service by electronic transmission, I electronically served the above-described document to the parties on the service list above.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed May 29, 2019 at San Francisco, California.

/s/
Catherine Schmitz

CERTIFICATE OF SERVICE

I, the undersigned, am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; am employed with the law offices of Fisher & Phillips LLP and my business address is One Embarcadero Center, Suite 2050, San Francisco, California 94111-3712.

On May 29, 2019 I served the foregoing document entitled **DEFENDANT NEXTSOURCE, INC.'S RESPONSE TO PLAINTIFF OWEN DIAZ'S REQUEST FOR PRODUCTION OF DOCUMENTS – SET ONE** on the below listed parties in sealed envelope(s) addressed as follows:

Tracey A. Kennedy Sheppard Mullin 333 South Hope St., 43rd Flr. Los Angeles, CA 90071	Attorneys for Defendant TESLA, INC. tkennedy@sheppardmullin.ocm
Gary T. Lafayette Cheryl A. Stevens Lafayette & Kumagai 1300 Clay St., Ste. 810 Oakland, CA 94612	Attorneys for Defendant CITISTAFF SOLUTIONS glaufayette@lkclaw.com cstevens@lkclaaw.com
Fenn C. Horton, III Helene Anastasia Simvoulakis Pahl & McKay 225 West Santa Clara St., Ste. 1500 San Jose, CA 95113	Attorneys for Defendant WEST VALLEY STAFFING GROUP fhorton@pahl-mccay.com hsimvoulakis@pahl-mccay.com

[by MAIL] - I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one day after date of deposit for mailing this affidavit.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed May 29, 2019 at San Francisco, California.

/s/
Catherine Schmitz

Exhibit

10

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
2 A Limited Liability Partnership
3 Including Professional Corporations
4 TRACEY A. KENNEDY, Cal. Bar No. 150782
5 333 South Hope Street, 43rd Floor
6 Los Angeles, California 90071-1422
7 Telephone: 213-620-1780
8 Facsimile: 213-620-1398
9 Email: tkennedy@sheppardmullin.com

10 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
11 A Limited Liability Partnership
12 Including Professional Corporations
13 PATRICIA M. JENG, Cal. Bar No. 272262
14 REANNE SWAFFORD-HARRIS, Cal. Bar No. 305558
15 Four Embarcadero Center, 17th Floor
16 San Francisco, California 94111-4109
17 Telephone: 415.434.9100
18 Facsimile: 415.434.3947
19 Email: pjeng@sheppardmullin.com
20 rswafford-harris@sheppardmullin.com

21 Attorneys for Defendant,
22 TESLA, INC. DBA TESLA MOTORS, INC.

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25
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 DEMETRIC DI-AZ, OWEN DIAZ AND
2 LAMAR PATTERSON

3 Plaintiffs,

4 v.

5 TESLA, INC. DBA TESLA MOTORS,
6 INC., CITISTAFF SOLUTIONS, INC.;
7 WEST VALLEY STAFFING GROUP;
8 CHARTWELL STAFFING SERVICES,
9 INC.; NEXTSOURCE, INC.; and DOES
10 1-10, inclusive

11 Defendants.

12 Case No. 17-cv-06748-WHO

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**DEFENDANT TESLA, INC. DBA TESLA
MOTORS, INC.'S RESPONSE TO PLAINTIFF
OWEN DIAZ'S INTERROGATORIES, SET
THREE**

Amended Complaint Filed: December 26, 2018
Trial Date: November 18, 2019

1 PROPOUNDING PARTY: Plaintiff OWEN DIAZ
2 RESPONDING PARTY: Defendant TESLA, INC. DBA TESLA MOTORS, INC.
3 SET NO.: THREE

4 **PRELIMINARY STATEMENT**

5 Pursuant to Federal Rule of Civil Procedure 33, Defendant Tesla, Inc. dba Tesla Motors,
6 Inc. (“Defendant”) hereby responds to Plaintiff Owen Diaz’s (“Plaintiff”) Interrogatories, Set
7 Three.

8 The following responses and objections have been prepared prior to the completion of
9 Defendant’s investigation, discovery, and preparation for trial in this action. The responses and
10 objections are based only on information, facts, and documents currently available and known to
11 Defendant. Defendant reserves its right to make changes to the responses and objections if it
12 appears that omissions or errors have been made in them, or that further and more accurate
13 information, facts, and/or documents are available, but Defendant is under no obligation to do so.
14 Defendant also reserves its right to rely upon and/or introduce into evidence at trial or any pre-trial
15 proceeding any additional information, facts, and/or documents.

16 Defendant’s responses and objections are for the purpose of discovery only, and are not an
17 admission or acceptance that any response, fact, or document is relevant and/or admissible into
18 evidence. Defendant reserves its right to object to the admissibility of any response, fact, or
19 document at the time of trial or any pre-trial proceeding.

20 Defendant provides the following responses subject to, and without waiving the foregoing
21 Preliminary Statement, which is incorporated by reference into each response below.

22 **GENERAL OBJECTIONS**

23 1. Defendant reserves the right to object on any ground at any time to such other or
24 supplemental Interrogatories, or any other discovery, as Plaintiff may at any time propound
25 involving the subject matter of the Interrogatories.

26 2. Defendant objects to the Interrogatories on the grounds and to the extent they seek
27 information outside the possession, custody, or control of Defendant and that is not within
28 Defendant’s personal knowledge.

1 3. Defendant objects to the Interrogatories because they are overbroad and unduly
2 burdensome, and seek information that is neither relevant nor reasonably calculated to lead to the
3 discovery of admissible evidence.

4 4. Defendant objects to the Interrogatories on the grounds and to the extent they call
5 for information which is protected by the attorney-client privilege, that was prepared in
6 anticipation of litigation for trial or is covered by the work product doctrine, or which constitutes
7 information which is privileged or related to confidential trade secrets or the right or privilege of
8 privacy (including the freedom of association and financial privacy, the right of privacy held by
9 non-party individuals with respect to their employment records).

10 Each of these general objections is incorporated by reference into each set of specific
11 responses to each Interrogatory set forth below. The fact that any of these general objections is set
12 forth again specifically in response to any of the Interrogatories shall not be construed as a waiver
13 of any of the other general objections set forth herein.

RESPONSE TO INTERROGATORIES

15 | INTERROGATORY NO. 14:

16 Please provide the last, best-known contact information of Judy Timbreza.

17 | **RESPONSE TO INTERROGATORY NO. 14:**

18 Defendant objects to this request on the grounds that it is overbroad, ambiguous, vague and
19 uncertain with regard to the phrase “best-known.” Defendant objects that this interrogatory is not
20 limited in time or scope, and thus is overbroad, unduly burdensome, oppressive, and harassing.
21 Defendant further objects to the extent this interrogatory is invasive of the privacy rights and
22 confidentiality of third-party non-litigants. Defendant further objects to the extent this
23 interrogatory seeks information that is not relevant to the claims or defenses and/or proportional to
24 the needs of the case, considering the importance of the issues at stake in the action, the amount in
25 controversy, the parties’ relative access to relevant information, the parties’ resources, the
26 importance of the discovery in resolving the issues, and whether the burden or expense of the
27 proposed discovery outweighs its likely benefit.

1 Subject to and without waiving any objections, Defendant responds as follows: Judy
2 Timbreza was never a Tesla employee. The last known contact information that Tesla has for
3 Judy Timbreza is judyannafuan18@gmail.com.

4 **INTERROGATORY NO. 15:**

5 Please DESCRIBE in comprehensive detail each position Judy Timbreza has held during
6 his employment at the TESLA FACTORY from 2014 to present. (For the purposes of responding
7 to this interrogatory, the term “DESCRIBE” means to list, for each position, the job title, job
8 duties, hours worked, and dates the position was held.)

9 **RESPONSE TO INTERROGATORY NO. 15:**

10 Defendant objects to this interrogatory on the grounds that it is vague and ambiguous as to
11 the term(s) and/or phrase(s): “comprehensive detail,” “position,” and “employment at TESLA
12 FACTORY.” Defendant further objects to the extent this interrogatory is invasive of the privacy
13 rights and confidentiality of third-party non-litigants. Defendant further objects to the extent this
14 interrogatory seeks information that is not relevant to the claims or defenses and/or proportional to
15 the needs of the case, considering the importance of the issues at stake in the action, the amount in
16 controversy, the parties’ relative access to relevant information, the parties’ resources, the
17 importance of the discovery in resolving the issues, and whether the burden or expense of the
18 proposed discovery outweighs its likely benefit. Defendant objects that this interrogatory lacks
19 foundation, and assumes facts not in evidence, particularly, that Judy Timbreza had an assigned
20 schedule of “hours worked,” and/or recorded the same. Defendant further objects to the extent
21 this interrogatory necessitates the preparation or the making of a compilation, abstract, audit, or
22 summary.

23 Subject to and without waiving any objections, Defendant responds as follows: Judy
24 Timbreza was never a Tesla employee.

25 **INTERROGATORY NO. 16:**

26 Please DESCRIBE in comprehensive detail each position Edward Romero has held during
27 his employment at the TESLA FACTORY from 2014 to present. (For the purposes of responding
28

1 to this interrogatory, the term "DESCRIBE" means to list, for each position, the job title, job
2 duties, hours worked, and dates the position was held.)

3 **RESPONSE TO INTERROGATORY NO. 16:**

4 Defendant objects to this interrogatory on the grounds that it is vague and ambiguous as to
5 the term(s) and/or phrase(s): "comprehensive detail," "position," and "employment at TESLA
6 FACTORY." Defendant further objects to the extent this interrogatory is invasive of the privacy
7 rights and confidentiality of third-party non-litigants and/or current or former employees of
8 Defendant. Defendant further objects to the extent this interrogatory seeks information that is not
9 relevant to the claims or defenses and/or proportional to the needs of the case, considering the
10 importance of the issues at stake in the action, the amount in controversy, the parties' relative
11 access to relevant information, the parties' resources, the importance of the discovery in resolving
12 the issues, and whether the burden or expense of the proposed discovery outweighs its likely
13 benefit. Defendant objects that this interrogatory lacks foundation, and assumes facts not in
14 evidence, particularly, that Edward Romero had an assigned schedule of "hours worked," and/or
15 recorded the same. Defendant further objects to the extent this interrogatory necessitates the
16 preparation or the making of a compilation, abstract, audit, or summary.

17 Subject to and without waiving any objections, Defendant responds as follows: Edward
18 Romero's position was Janitorial Supervisor, Production Facilities from on or about October 12,
19 2015 through on or about August 4, 2017.

20 **INTERROGATORY NO. 17:**

21 Please DESCRIBE in comprehensive detail each position Victor Quintero has held during
22 his employment at the TESLA FACTORY from 2014 to present. (For the purposes of responding
23 to this interrogatory, the term "DESCRIBE" means to list, for each position, the job title, job
24 duties, hours worked, and dates the position was held.)

25 **RESPONSE TO INTERROGATORY NO. 17:**

26 Defendant objects to this interrogatory on the grounds that it is vague and ambiguous as to
27 the term(s) and/or phrase(s): "comprehensive detail," "position," and "employment at TESLA
28 FACTORY." Defendant further objects to the extent this interrogatory is invasive of the privacy

1 rights and confidentiality of third-party non-litigants and/or current or former employees of
 2 Defendant. Defendant further objects to the extent this interrogatory seeks information that is not
 3 relevant to the claims or defenses and/or proportional to the needs of the case, considering the
 4 importance of the issues at stake in the action, the amount in controversy, the parties' relative
 5 access to relevant information, the parties' resources, the importance of the discovery in resolving
 6 the issues, and whether the burden or expense of the proposed discovery outweighs its likely
 7 benefit. Defendant objects that this interrogatory lacks foundation, and assumes facts not in
 8 evidence, particularly, that Victor Quintero had an assigned schedule of "hours worked," and/or
 9 recorded the same. Defendant further objects to the extent this interrogatory necessitates the
 10 preparation or the making of a compilation, abstract, audit, or summary.

11 Subject to and without waiving any objections, Defendant responds as follows: Victor
 12 Quintero's position is Manager, Recycling Services from May 12, 2015 through the date of this
 13 response.

14 **INTERROGATORY NO. 18:**

15 Please DESCRIBE in comprehensive detail each position Ramon Martinez held during his
 16 employment at the TESLA FACTORY. (For the purposes of responding to this interrogatory, the
 17 term "DESCRIBE" means to list, for each position, the job title, job duties, hours worked, and
 18 dates the position was held.)

19 **RESPONSE TO INTERROGATORY NO. 18:**

20 Defendant objects to this interrogatory on the grounds that it is vague and ambiguous as to
 21 the term(s) and/or phrase(s): "comprehensive detail," "position," and "employment at TESLA
 22 FACTORY." Defendant further objects that this interrogatory is not limited in time or scope, and
 23 thus is overbroad, unduly burdensome, oppressive, and harassing. Defendant further objects to the
 24 extent this interrogatory is invasive of the privacy rights and confidentiality of third-party non-
 25 litigants and/or current or former employees of Defendant. Defendant further objects to the extent
 26 this interrogatory seeks information that is not relevant to the claims or defenses and/or
 27 proportional to the needs of the case, considering the importance of the issues at stake in the
 28 action, the amount in controversy, the parties' relative access to relevant information, the parties'

1 resources, the importance of the discovery in resolving the issues, and whether the burden or
 2 expense of the proposed discovery outweighs its likely benefit. Defendant objects that this
 3 interrogatory lacks foundation, and assumes facts not in evidence, particularly, that Ramon
 4 Martinez had an assigned schedule of “hours worked,” and/or recorded the same. Defendant
 5 further objects to the extent this interrogatory necessitates the preparation or the making of a
 6 compilation, abstract, audit, or summary.

7 Subject to and without waiving any objections, Defendant responds as follows: Ramon
 8 Martinez was not employed by Tesla during the time that plaintiff Owen Diaz or Plaintiff
 9 Demetric Di-az worked at Tesla. Ramon Martinez’s position from January 14, 2019 to the date of
 10 this response is Lead Material Handler.

11 **INTERROGATORY NO. 19:**

12 Please DESCRIBE in comprehensive detail each position Joyce DelaGrande has held
 13 during her employment at the TESLA FACTORY. (For the purposes of responding to this
 14 interrogatory, the term “DESCRIBE” means to list, for each position, the job title, job duties,
 15 hours worked, and dates the position was held.)

16 **RESPONSE TO INTERROGATORY NO. 19:**

17 Defendant objects to this interrogatory on the grounds that it is vague and ambiguous as to
 18 the term(s) and/or phrase(s): “comprehensive detail,” “position,” and “employment at TESLA
 19 FACTORY.” Defendant further objects that this interrogatory is not limited in time or scope, and
 20 thus is overbroad, unduly burdensome, oppressive, and harassing. Defendant further objects to the
 21 extent this interrogatory is invasive of the privacy rights and confidentiality of third-party non-
 22 litigants and/or current or former employees of Defendant. Defendant further objects to the extent
 23 this interrogatory seeks information that is not relevant to the claims or defenses and/or
 24 proportional to the needs of the case, considering the importance of the issues at stake in the
 25 action, the amount in controversy, the parties’ relative access to relevant information, the parties’
 26 resources, the importance of the discovery in resolving the issues, and whether the burden or
 27 expense of the proposed discovery outweighs its likely benefit. Defendant objects that this
 28 interrogatory lacks foundation, and assumes facts not in evidence, particularly, that Joyce

1 DelaGrande had an assigned schedule of "hours worked," and/or recorded the same. Defendant
 2 further objects to the extent this interrogatory necessitates the preparation or the making of a
 3 compilation, abstract, audit, or summary.

4 Subject to and without waiving any objections, Defendant responds as follows: Joyce
 5 Delagrande's position from August 20, 2012 to November 30, 2012 was Production Associate; her
 6 position from December 1, 2012 to June 31, 2013 was Supervisor Manufacturing; her position
 7 from July 1, 2013 to October 30, 2015 was Associate Manager Supply Chain; her position from
 8 October 31, 2015 to July 8, 2017 was Supervisor Supply Chain; and her position from July 9,
 9 2017 to present is Associate Manager Supply Chain.

10 **INTERROGATORY NO. 20:**

11 If Ramon Martinez is no longer working at TESLA, please list all the reasons for his
 12 separation.

13 **RESPONSE TO INTERROGATORY NO. 20:**

14 Defendant objects to this interrogatory on the grounds that it is vague and ambiguous as to
 15 the term(s) and/or phrase(s): "working," and "separation." Defendant further objects to the extent
 16 this interrogatory is invasive of the privacy rights and confidentiality of third-party non-litigants
 17 and/or current or former employees of Defendant. Defendant further objects to the extent this
 18 interrogatory seeks information that is not relevant to the claims or defenses and/or proportional to
 19 the needs of the case, considering the importance of the issues at stake in the action, the amount in
 20 controversy, the parties' relative access to relevant information, the parties' resources, the
 21 importance of the discovery in resolving the issues, and whether the burden or expense of the
 22 proposed discovery outweighs its likely benefit. Defendant objects to the extent this interrogatory
 23 lacks foundation, and assumes facts not in evidence. Defendant further objects to the extent this
 24 interrogatory necessitates the preparation or the making of a compilation, abstract, audit, or
 25 summary.

26 ///

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1 Subject to and without waiving any objections, Defendant responds as follows: Not
2 applicable.

3
4 Dated: May 24, 2019

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

5
6 By: _____
7

REANNE SWAFFORD-HARRIS
TRACEY A. KENNEDY
PATRICIA M. JENG

Attorneys for Defendant
TESLA, INC. dba TESLA MOTORS, INC.

VERIFICATION

I, Nicole White, declare as follows:

I am HR Program Manager for Defendant TESLA, INC. DBA TESLA MOTORS, INC. In that capacity, I am authorized to make this verification on behalf of Defendant. I have reviewed and know the contents of the foregoing document entitled:

**DEFENDANT TESLA, INC. DBA TESLA MOTORS, INC.'S RESPONSE TO PLAINTIFF
OWEN DIAZ'S INTERROGATORIES, SET THREE**

I am informed and believe the matters stated therein are true and on that ground declare under penalty of perjury under the laws of the state of California that the same are true and correct.

DATED: June 25th, 2019,

[Name]

CERTIFICATE OF SERVICE

Demetric Di-Az, et al. v. Tesla, Inc., et al.
USDC, Northern District of California, Case No. 3:17-cv-06748-WHO

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of San Francisco, State of California. My business address is Four Embarcadero Center, 17th Floor, San Francisco, CA 94111-4109.

On May 24, 2019, I served true copies of the following document(s) described as:

**DEFENDANT TESLA, INC. DBA TESLA MOTORS, INC.'S RESPONSE TO PLAINTIFF
OWEN DIAZ'S INTERROGATORIES, SET THREE**

on the interested parties in this action as follows:

SEE SERVICE LIST

- BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred.

BY FAX TRANSMISSION: I faxed a copy of the document(s) to the persons at the fax numbers listed in the Service List. The telephone number of the sending facsimile machine was 415.434.3947. The transmission was reported as complete and without error. No error was reported by the fax machine that I used. A transmission report was properly issued by the sending fax machine.

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address eruiz@sheppardmullin.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

BY OVERNIGHT DELIVERY: I enclosed said document(s) in an envelope or package provided by the overnight service carrier and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight service carrier or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents.

BY PERSONAL SERVICE: I personally delivered the document(s) to the person at the addresses listed in the Service List. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.
3
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5 Executed on May 24, 2019, at San Francisco, California.
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Elena E. Ruiz

SERVICE LIST

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